

Ordinance of the City of Jersey City, N.J.

File No. Ord. 21-053
Agenda No. 3.2 (1st Reading)
Agenda No. 4.2 (2nd Reading and Final Passage)



AN ORDINANCE AMENDING CHAPTER 84 (ALCOHOLIC BEVERAGES), CHAPTER 160 (FEES AND CHARGES), CHAPTER 304 (TAXATION) AND CHAPTER 345 (ZONING) AND CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) TO ESTABLISH REGULATIONS FOR CANNABIS ESTABLISHMENTS AND CANNABIS DISTRIBUTORS AND AUTHORIZE A TRANSFER TAX AND USER TAX ON THE SALE/TRANSFER OF CANNABIS OR CANNABIS ITEMS BY A CANNABIS ESTABLISHMENT.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six classes of licensed cannabis businesses that may operate within a municipality:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, the Act authorizes municipalities to prohibit the operation of any one or more classes of cannabis establishment, or cannabis distributors or cannabis delivery service, but not the delivery of cannabis items and related supplies by a delivery service, within the jurisdiction of the municipality; and

WHEREAS, the Act authorizes municipalities to adopt regulations governing the number of cannabis establishments, cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors, but the time of operation of delivery services shall be subject only to regulation by the State; and

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

An ordinance amending Chapter 84 (Alcoholic Beverages), Chapter 160 (Fees and Charges), Chapter 304 (Taxation) and Chapter 345 (Zoning) and Chapter 3 (Administration of Government) to establish regulations for cannabis establishments and cannabis distributors and authorize a transfer tax and user tax on the sale/transfer of cannabis or cannabis items by a cannabis establishment.

WHEREAS, the Act requires a municipality to adopt an ordinance prohibiting the operation of one or more classes of cannabis establishments, or cannabis distributors or cannabis delivery services within one hundred eighty (180) days after the effective date of the Act (i.e. by August 21, 2021); and

WHEREAS, the failure of a municipality to adopt this ordinance within 180 days shall result in any class of cannabis establishment, or a cannabis distributor or cannabis delivery service that is not prohibited from operating within the municipality as being permitted to operate therein and the municipality will not have another opportunity to enact a prohibiting ordinance for five years; and

WHEREAS, the Act also allows authorizes municipalities to impose a transfer tax and user tax on the sale/transfer of cannabis or cannabis items by a cannabis establishment that is located in the municipality; and

WHEREAS, the City of Jersey City has a strong interest in allowing all classes of license cannabis businesses to operate within the City; and

WHEREAS, the proposed changes to Chapter 345, the City's zoning code, have been reviewed and received a positive recommendation from the Jersey City Planning Board on June 22, 2021.

WHEREAS, to promote a successful and efficient cannabis industry in Jersey City, it is in the City's best interest to adopt the following regulations regarding the operation of cannabis businesses within the City and to begin imposing a transfer tax and user tax for the sale/transfer of cannabis located in the City.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. Chapter 84 (Alcoholic Beverages) is hereby amended as follows:

CHAPTER 84 – ALCOHOLIC BEVERAGES AND CANNABIS

ARTICLE IV –CANNABIS

§ 84-44. - Definitions.

As used in this Article, the following terms shall have the meanings indicated:

“BOARD” means the Jersey City Cannabis Control Board.

“CANNABIS” means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marijuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“CANNABIS CONSUMPTION AREA” means, as further described in section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

“CANNABIS CULTIVATOR” means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

“CANNABIS DELIVERY SERVICE” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

“CANNABIS DISTRIBUTOR” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis

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establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

“CANNABIS ESTABLISHMENT” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“CANNABIS ITEM” means any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. “Cannabis item” does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“CANNABIS MANUFACTURER” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

“CANNABIS WHOLESALER” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

“COMMISSION” means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

“CONSUMPTION” means the act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

“DELIVERY” means the transportation of cannabis items and related supplies to a consumer. “Delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

“INDOOR PUBLIC PLACE” means a structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child care center licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

“MEDICAL CANNABIS” means cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.). “Medical cannabis” does not include any cannabis or cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16 (C.24:6I-31 et al.).

“PUBLIC PLACE” means any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

§ 84-45. – Permitted Classes.

- A. The following cannabis licenses shall be permitted to operation within Jersey City, subject to all applicable state and local regulations:
- a. Class 1 Cannabis Cultivator license, as set forth in N.J.S.A. 24:6I-37
 - b. Class 2 Cannabis Manufacturer license, as set forth in N.J.S.A. 24:6I-39
 - c. Class 3 Cannabis Wholesaler license, as set forth in N.J.S.A. 24:6I-40
 - d. Class 4 Cannabis Distributor license, as set forth in N.J.S.A. 24:6I-41

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- e. Class 5 Cannabis Retailer license, as set forth in N.J.S.A. 24:6I-42
- f. Class 6 Cannabis Delivery license, as set forth in N.J.S.A. 24:6I-44

§ 84-46. – Class 5 Cannabis Retail license permitted hours of operation.

The holder of a Class 5 Cannabis Retail license shall be permitted to sell cannabis items and related supplies daily between the hours of 7:00 am – 11:00 pm.

§ 84-47. – Public Consumption of Cannabis.

- A. Smoking, vaping or aerosolizing any cannabis item in a public place is prohibited, including but not limited to, any public street, sidewalk, pedestrian plaza, parks, any public place pursuant to law that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.) and any indoor public place, or portion thereof, with the exception of cannabis consumption areas.
- B. Consumption, smoking, vaping or aerosolizing any cannabis items in a public place, including any public street any public street, sidewalk, pedestrian plaza, parks or any indoor public place, or portion thereof, is prohibited, with the exception of cannabis consumption areas.
- C. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes a cannabis item, including by smoking, vaping or aerosolizing, on private property.

§ 84-48. – Odor.

A cannabis establishment and cannabis distributor shall have the equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the City of Jersey City Department of Health and Human Services.

§ 84-49. – Product display and storage; signage for Class 5 retail

- A. No cannabis items shall be visible from a public sidewalk, street, or right-of-way, or any other public view. All cannabis items shall be stored indoors and on-site.
- B. No cannabis establishment shall be housed in a vehicle or any movable or mobile structure. This prohibition shall not include vehicles used for delivery services.
- C. Class 5 cannabis retailers must post visible signage within the retail establishment about age requirements and the prohibition of using cannabis on City streets, sidewalks, and parks. Class 5 retailers that are not consumption areas must also post signage that using cannabis within retail facility is prohibited.

§ 84-50. – Security.

All cannabis establishments and cannabis distributors shall be secured and have full-time security protocols in place. Security protocols shall be submitted to the Jersey City Police Department for compliance review with all safety and security standards established by the State of New Jersey for cannabis establishments and distributors. The Jersey City Police Department may, at its discretion and upon review of the proposed location, recommend or require additional safety and security measures. At minimum, the following shall apply:

- A. A video recording system shall be employed covering all areas of the cannabis establishment and cannabis distributor and adjacent exterior of building with a 24/7 recording system that records for a minimum of thirty-day archive.
- B. The premises and right-of-way adjacent to the cannabis establishment and cannabis distributor shall be monitored by staff of the establishment or distributor and kept free of loitering, litter and other debris and the sidewalks shall be swept and cleaned on a regular basis.

§ 84-51. – Cannabis Control Board.

- A. Creation of board; membership.
 - a. The Jersey City Cannabis Control Board is hereby established, and shall consist of three (3) persons, who shall be appointed by the Mayor with the advice and consent of Council, for a term of three years but one of the initial appointments shall be for one year, another for two years, and the third for three years.
 - b. In the case of any vacancy occurring before the expiration of any term, the appointment to fill such vacancy shall be only for the unexpired term.
 - c. The members of the Cannabis Control Board may be removed by the governing body for cause.
- B. Responsibilities. The Cannabis Control Board shall be responsible for reviewing and approving, when appropriate, applications for the operation of cannabis establishes and cannabis distributors and applications for the operation of cannabis consumption areas. Members of the CCB shall not have contact with applicants outside of a CCB meeting, unless the member is a City employee and such contact with an applicant is required for his/her duties.
- C. Meetings. The Cannabis Control Board shall establish a regular schedule of meetings, at least once a month or as often as required to meet the needs of its business, to handle emergencies, or to meet time

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constraints imposed by law. Upon completion of an application, the application shall be heard by the CCB at the next available meeting.

§ 84-52. – Municipal support of cannabis establishments and distributors (Classes 1-5).

- A. All applications received by the Commission for the operation of a cannabis establishment and cannabis distributors in Jersey City shall be sent to the Division of Commerce, within the time period set forth by the State, for municipal review. The Division of Commerce shall submit all completed applications to the Cannabis Control Board for the Board’s review and approval. This shall be in addition to the application to the City Division of Planning for necessary approval under Chapter 345.
- B. The Cannabis Control Board shall review all applications to ensure compliance with local rules and regulations governing the operation of cannabis establishments and cannabis distributor and, when the Board deems appropriate, to provide local support of the application in the form of a board resolution.
- C. The annual fee for this review shall be as provided in Chapter 160, Fees and Charges.
- D. An applicant is requested to submit the following documents or information for the Board’s evaluation:
 - 1. Names and residences of all persons financially interested in the business, and the nature and extent of this interest; and, if a corporation, the names, residences and citizenship of the officers, directors and stockholders, and shall disclose whether the applicant has been convicted of any criminal or quasi-criminal offense, and if so, the date and place of such conviction and the nature of the offense;
 - 2. Proof the cannabis establishment or cannabis distributor will be operated pursuant to all local and state regulations;
 - 3. Any necessary approvals by the Jersey City Planning Board, or other related boards;
 - 4. Odor mitigating practices;
 - 5. Safety and security plans and procedures;
 - 6. A description of the proposed location, including the surrounding area and the suitability or advantages of the proposed location, along with a floor plan and optional renderings or architectural or engineering plans;
 - 7. Plans to operate a cannabis consumption area, if applicable;
 - 8. A community impact, social responsibility, and research statement, which shall include, but shall not be limited to the following:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the Jersey City, which shall include an economic impact plan, and a description of outreach activities;
 - b. A written description of the applicant’s record of social responsibility, philanthropy, and ties to Jersey City;
 - c. A written description of any research the applicant has conducted on the adverse effects of the use of cannabis items, substance abuse or addiction, and the applicant’s participation in or support of cannabis-related research and educational activities; and
 - d. A written plan describing any research and development regarding the adverse effects of cannabis, and any cannabis-related educational and outreach activities, which the applicant intends to conduct if issued a permit by the Commission, including the applicant’s plan to implement or contribute to educational or training programs for individuals formally sentenced for marijuana-related charges to teach those individuals the legal marijuana industry within Jersey City.
 - 9. A workforce development and job creation plan, which may include information on the applicant’s history of job creation and planned job creation at the proposed cannabis establishment or cannabis distributor; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan;
 - 10. An attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
 - 11. A business and financial plan; and
 - 12. A list of child care providers and substance abuse treatment facilities that are within two hundred (200) feet of a proposed Class 5 cannabis retail location. Distance shall be measured from the main entry door of the proposed Class 5 cannabis retail facility to the parcel boundary on which the child care provider or substance abuse treatment facility is located. The applicant shall request list of child care providers and substance abuse treatment facilities that are within two hundred (200) feet of the proposed Class 5 cannabis retail location from the Jersey City Department of Health and Human Services (HHS). The request shall be sent via certified and regular mail to HHS. HHS shall provide the list within thirty (30) days. If HHS fails to provide the information within thirty (30) days, the CCB may hear the application as long as proof of mailing to HHS is provided;
 - 13. Any other documents or information the City deems necessary; and
 - 14. The CCB may require a Class 5 retail applicant to address concerns about the proximity of a proposed location to a substance abuse treatment facility or day care provider and the Board may consider the applicant’s response to those concerns in its decision.
 - A. Jersey City encourages and promotes the participation of minority, women, and disabled veteran owned-businesses in the personal use cannabis industry in Jersey City.
 - B. The Cannabis Control Board shall promptly notify the State if the application complies with all local rules and regulations. The Cannabis Control Board shall also submit proof of local support in the form of a

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resolution, or, if the Cannabis Control Board does not support the application, the Board shall notify the State and provide its reasoning as to why the Board does not support the application.

§ 84-53. – Cannabis consumption area.

- A. General. Jersey City may authorize the operation of locally endorsed cannabis consumption areas that area:
 - a. Operated by medical cannabis dispensaries, including any alternative treatment centers deemed to hold a medical cannabis dispensary permit pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), and clinical registrants within its jurisdiction, at which areas the on-premises consumption of medical cannabis may occur; or
 - b. Operated by cannabis retailers within its jurisdiction, at which areas the on-premises consumption of personal use cannabis may occur; or
 - c. Operated by medical cannabis dispensaries, including any alternative treatment centers deemed to hold a medical cannabis dispensary permit pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), within its jurisdiction that are also deemed to have, pursuant to that section, one or more Class 5 Cannabis Retailer licenses and for which the commission has correspondingly issued one or more licenses following receipt of the Jersey City's and Commission's approval to operate as a cannabis retailer pursuant to subparagraph (a) of paragraph(3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46), or medical cannabis dispensaries and alternative treatment centers otherwise issued a license by the commission pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), to simultaneously operate as a cannabis retailer, at which areas the on-premises consumption of both medical cannabis and personal use cannabis items may occur.
- B. Local Endorsement
 - a. No cannabis consumption area may be operated within Jersey City without endorsement from the State of New Jersey and Jersey City, in the form of a resolution approved by the Jersey City Cannabis Control Board, and a Cannabis Consumption Area License.
 - b. Local endorsements shall be valid for one (1) year and must be renewed annually.
 - c. The Cannabis Control Board shall notify the State of its endorsement and approval of the Cannabis Consumption Area License, in the form of a board resolution.
- C. Cannabis Consumption Area License
 - a. Cannabis Consumption Area Licenses must be granted by the Cannabis Control Board and shall be valid for one (1) year.
 - b. The annual fee for this license shall be as provided in Chapter 160, Fees and Charges.
 - c. The Cannabis Control Board may approve a Cannabis Consumption Area Licenses, but the Cannabis Consumption License will not be issued or become effective until the applicant can show proof of State endorsement and zoning approval.
 - d. Applications shall be filed with the Division of Commerce on forms approved by the Director of the Division of Commerce. The application shall contain the following:
 - a. Names and residences of all persons financially interested in the business, and the nature and extent of this interest; and, if a corporation, the names, residences and citizenship of the officers, directors and stockholders, and shall disclose whether the applicant has been convicted of any criminal or quasi-criminal offense, and if so, the date and place of such conviction and the nature of the offense;
 - b. Odor mitigating practices:
 - b. A description of the proposed location, including the surrounding area and the suitability or advantages of the proposed location, along with a floor plan and optional renderings or architectural or engineering plans;
 - d. All relevant land use approvals, including approved site plans;
 - c. A copy of the Class 5 Cannabis Retailer license associated with the proposed consumption area;
 - d. Safety and security plans and procedures; and
 - g. Any other documents and information the Division of Commerce deems necessary.
 - e. The proposed premise may be inspected by the Department of Housing, Economic Development, and Commerce, Department of Public Safety, and the Department of Health and Human Services for compliance with relevant laws and regulations.
- D. Denial or Revocation of Endorsement or Cannabis Consumption Area License
 - a. The Cannabis Control Board may deny or revoke the endorsement and/or the Cannabis Consumption Area License at any time for good cause. Good cause shall mean:

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- a. The endorsed license holder or applicant has violated, does not meet, or has failed to comply with, any of the terms, conditions or provisions of this Chapter or related rules and regulations, any supplemental local laws, rules or regulations;
- b. The endorsed license holder or applicant has failed to comply with any special terms or conditions that were placed on its endorsement by the State or Jersey City or the City of Jersey City; and
- c. The premises have been operated in a manner that adversely affects the public health or the safety of the immediate neighborhood in which the consumption area is located.
- b. A cannabis consumption area is prohibited from operating if either its endorsement or Cannabis Consumption Area License is revoked.
- E. Location; time of operation; odor; and signage
 - 1. Indoor cannabis consumption areas shall be permitted to operate daily between the hours of 10:00 am – 2:00 am, the following day.
 - 2. Outdoor cannabis consumption areas shall be permitted to operate daily between the hours of 10:00 am – 10:00 pm.
 - 3. Cannabis consumption areas must comply with the odor and security requirements set forth in § 84-49 and § 84-51.
 - 4. All cannabis consumption areas must be designed by conspicuous signage, which shall indicate whether the consumption area may be used for the on-premises consumption of medical cannabis, personal use cannabis items, or both.

§ 84-54. – Violations; penalties.

Any person or corporation convicted of violating any of the provisions of this Chapter shall be subject to the penalties set forth in § 1-25.

B. Chapter 160 (Fees and Charges) is hereby amended as follows:

CHAPTER 160 – FEES AND CHARGES

§ 160-1. - Fee schedule established.

A. – B. NO CHANGE

- I. Chapter 84, Alcoholic Beverages and Cannabis
 - (1) – (6) NO CHANGE

(7) The application fee for municipal support of cannabis establishments and distributors, as outlined in § 84-52 shall be two thousand five hundred dollars (\$2,500.00).

(8) The annual fee for successful applicants operating cannabis establishments or distributors in Jersey City shall be as follows:

- Class 1 Cannabis Cultivator license: five thousand dollars (\$5,000.00)
- Class 2 Cannabis Manufacturer license: five thousand dollars (\$5,000.00)
- Class 3 Cannabis Wholesaler license: five thousand dollars (\$5,000.00)
- Class 4 Cannabis Distributor license: five thousand dollars (\$5,000.00)
- Class 5 Cannabis Retailer license: fifteen thousand dollars (\$15,000.00)
- Class 6 Cannabis Delivery license: two thousand five hundred dollars (\$2,500.00)

The annual fee for microbusinesses shall be half of the class annual fee.

(9) Annual license fee for cannabis consumption area license shall be twenty-five thousand dollars (\$25,000.00).

The annual fee for microbusinesses shall be half of the cannabis consumption license (\$12,500.00).

(10) All applications for a Cannabis Consumption Area License and endorsement shall be accompanied by an escrow fee of five thousand dollars (\$5,000) to be used by the Cannabis Control Board to pay professionals for services rendered during the application process such as review and preparation of documents, transcripts, and inspections. If review costs exceed the escrow deposited, the applicant shall pay the additional amount within fifteen (15) days of the request for additional funds. Where the review costs are less than the amount of the escrow deposit, the difference shall be returned to the applicant within one hundred twenty (120) days of final disposition of the application.

C. Chapter 304 (Taxation) is hereby amended as follows:

CHAPTER 304 – TAXATION

ARTICLE IX –RECREATIONAL CANNABIS TRANSFER AND USER TAX

An ordinance amending Chapter 84 (Alcoholic Beverages), Chapter 160 (Fees and Charges), Chapter 304 (Taxation) and Chapter 345 (Zoning) and Chapter 3 (Administration of Government) to establish regulations for cannabis establishments and cannabis distributors and authorize a transfer tax and user tax on the sale/transfer of cannabis or cannabis items by a cannabis establishment.

§ 304-47. – Title.

This article shall be known and may be cited as the “Recreational Cannabis Transfer and User Tax.”

§ 304-48. – Definitions.

To effectuate the purposes of this article, these terms shall have the following meanings:

CANNABIS means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act for use in cannabis products as set forth in the Act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35- 2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marijuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

CANNABIS CULTIVATOR means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS ESTABLISHMENT means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS ITEM means any usablecannabis, cannabis product, cannabis extract, and any other cannabis resin. “Cannabis item” does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al)

CANNABIS MANUFACTURER means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS RETAILER means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivatorsand cannabis items from cannabis manufacturersor cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS WHOLESALER means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

CONSUMER means a person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

PREMISES means the following areas of a location licensed under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act: all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

§ 304-49. – Tax imposed; transfer tax and user tax.

An ordinance amending Chapter 84 (Alcoholic Beverages), Chapter 160 (Fees and Charges), Chapter 304 (Taxation) and Chapter 345 (Zoning) and Chapter 3 (Administration of Government) to establish regulations for cannabis establishments and cannabis distributors and authorize a transfer tax and user tax on the sale/transfer of cannabis or cannabis items by a cannabis establishment.

- (2) 2% of the receipts from each sale by a cannabis manufacturer
- (3) 1% of the receipts from each sale by a cannabis wholesaler
- (4) 2% of the receipts from each sale by a cannabis retailer

There shall also be imposed a user tax, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment, as permitted by Section 33 of P.L.2021, c.16 (C.24:6I-46). The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraphs A and B of this Section, from the license holder's establishment that is located in Jersey City to any of the other license holder's establishments, whether located in Jersey City or another municipality.

All taxes imposed by this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act", P.L. 1966, c. 30 (C.54:32B-1 et seq.).

§ 304-50. – Collection and payment of transfer tax and user tax.

- A. The transfer tax or user tax shall be collected or paid, and remitted to Jersey City by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis items, or from the consumer at the point of sale, on behalf of Jersey City by the cannabis retailer selling the cannabis item to that consumer.
- B. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
- C. Every cannabis establishment required to collect a transfer or user tax imposed by this section shall be personally liable for the transfer tax or user tax imposed, collected or required to be collected under this section.
- D. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the cannabis consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided however, that the Business Administrator shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
- E. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertised or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.
- F. All revenues collected from a transfer tax or user tax imposed by this section shall be remitted to the Division of Commerce in a manner prescribed by the Business Administrator. The Division of Commerce shall collect and administer any transfer tax or user tax imposed by this section.
- G. The City shall enforce the payment of delinquent taxes or transfer fees imposed by this section in the same manner as provided for municipal real property taxes.

§ 304-51. – Penalties for nonpayment.

- A. In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- B. The City shall file in the Office of the Tax Collector, a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises.
- C. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

§ 304-52. – Use of Revenues.

A. The revenues collected from the tax imposed under this Article shall be dedicated to the Jersey City Public Schools and social equity programs. A Cannabis Fund Committee shall be established and will determine the allocation of the funding from the Cannabis Fund based on the needs of the community on an annual basis and

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pursuant to this Article and any regulations set forth by the City and State. The Cannabis Fund Committee makeup shall be determined in future legislation.

B. The City's Business Administrator, including his or her designee and/or agent, shall deposit the revenues from the Recreational Cannabis Transfer and User Tax into a Cannabis Fund on a quarterly basis.

D. Chapter 345 (Zoning) is hereby amended as follows:

CHAPTER 345 – ZONING

ARTICLE IV –FEES, DEPOSITS AND INSPECTIONS

§ 345-33. – Fees.

A. Applicable Fees.

<NO CHANGES>

B. Schedule of fees.

Fee Table I

Application Type	Application Fees
Planning Board and Board of Adjustment Applications	Non-Refundable
<u>Conditional Use – Cannabis Establishments</u>	<u>\$2,500.00</u>
Conditional Use– <u>All others</u>	\$200.00

<NO OTHER CHANGES>

ARTICLE V –ZONING AND DESIGN STANDARDS

§ 345-60.5. – Cannabis Establishment Regulations.

1 – Purpose.

A. Pursuant to N.J.S.A. 24:6I-45(a) (“State Law”), Jersey City may enact ordinances governing the number of cannabis establishments as well as the location, manner, and times of operation of these establishments. The purpose of this chapter is to regulate cannabis establishments in a manner that will minimize potential adverse impacts of such establishments and to promote the public health, safety, morals, and general welfare.

2 – Definitions.

A. Definitions promulgated in N.J.S.A. 24:6I-33 shall apply to this section of the Jersey City Municipal Code.

B. For the purposes of local restrictions, the following definitions shall supplement or give greater specificity to the terms used in this section of the Municipal Code.

a. Cannabis Establishment – means a cannabis cultivator (Class 1 license), a cannabis manufacturer (Class 2 license), a cannabis wholesaler (Class 3 license), or a cannabis retailer (Class 5 license).

b. Cannabis Distributor – means a Class 4 license.

c. Cannabis Consumption Area – means a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis times or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder , or brought by a person to the consumption, may be consumed.

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- d. Microbusiness – means a person or entity licensed as a cannabis establishment that shall meet the following requirements:
 - a. 100 percent of the ownership interest in the microbusiness shall be held by current New Jersey residents who have resided in the state for at least the past two consecutive years;
 - b. At least 51 percent of the owners, directors, officers, or employees of the microbusiness shall be residents of the municipality in which the microbusiness is located, or to be located;
 - c. Concerning business operations, and capacity and quantity restrictions:
 - 1. Employ no more than 10 employees;
 - 2. Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet;
 - 3. Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor’s possession of cannabis plants for transportation shall not be subject to this limit;
 - 4. Acquire each month in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis;
 - 5. Acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
 - 6. Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.
 - e. State Commission – means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

3 – General Provisions.

- 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 the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and from the City of Jersey City for the applicable type(s) of cannabis establishment and for cannabis consumption area endorsement. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
- C. Permitted conditional uses shall, at all times, comply with the terms and conditions of the licensee’s cannabis establishment license for permits and licenses issued by the State of New Jersey and the City of Jersey City.
- D. Odor. A cannabis establishment shall have the equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor.
- 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 and shall have a round-the-clock video surveillance system, 365 days a year.
- G. Compliance with all other applicable chapters of the Jersey City Municipal Code.
- H. When the state commission receives an application for initial licensing or renewal of an existing license for any cannabis establishment, distributor, or delivery service, or endorsement for a cannabis consumption area, the state commission shall provide, within 14 days, a copy of the application the City

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of Jersey City which shall be delivered to the Division of City Planning, Jersey City Planning Board, and the City Clerk.

4 – Cannabis Establishments, classes 1 to 5, shall be permitted conditional uses, as regulated herein.

- A. Cannabis Establishments and Distributors subject to a Class 1, 2, 3 or 4 licenses shall be permitted conditional uses, as regulated herein, in all industrial zones, light industrial zones or industrial overlays as well as the Highway Commercial Zone (HC) along Tonnele Avenue.
- a. Cannabis Establishments shall not be collocated with any residential use in the same structure or on the same lot.
 - b. No outdoor cultivation shall be allowed within thirty (30) feet of any property line.
 - c. Barb wire or razor wire is prohibited.
 - d. Compliance with the general provisions of this Section.
 - e. Cannabis Manufacturers shall prove that proper and adequate conditions and safeguards are provided to mitigate any detrimental impacts to the public health, safety or general welfare of nearby residential uses.
 - f. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. If standards are differentiated by use then the following land use categories shall apply:
 - a. Cannabis Establishments subject to a class 1 license shall comport with regulations related to Manufacturing uses.
 - b. Cannabis Establishments subject to a class 2 license shall comport with regulations related to Manufacturing uses.
 - c. Cannabis Establishments subject to a class 3 license shall comport with regulations related to Warehousing uses.
 - d. Cannabis Distributors subject to a class 4 license shall comport with regulations related to Warehousing uses.
 - e. If a Zone does not include the land use categories listed above, the most restrictive or least intense regulations or standards of that particular zone shall apply to that cannabis establishment.
 - g. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment or Distributor shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
 - e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- B. Cannabis Establishments and Distributors subject to a Class 1, 2, 3, 4 licenses and certified as a microbusiness shall be permitted conditional uses, as regulated herein, in Commercial/Automotive (C/A) or Highway Commercial (HC) Zones.
- a. Cannabis Establishments and Distributor shall not be collocated with any residential use in the same structure or on the same lot.
 - b. Outdoor cultivation is prohibited.
 - c. Barb wire or razor wire is prohibited.
 - d. Compliance with the general provisions of this Section.

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- e. Cannabis Manufacturers shall prove that proper and adequate conditions and safeguards are provided to mitigate any detrimental impacts to the public health, safety or general welfare of nearby residential uses.
 - f. The signage, bulk, coverage, and design regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, in instances where signage, bulk, coverage, and design regulations and standards are regulated by use or differentiated by use, the standards and regulations that are most restrictive or least intense shall apply to cannabis establishments.
 - g. Parking Requirements: Excluding the first five thousand (5,000) square feet, one off-street parking space is required for five hundred (500) square feet of gross floor area.
 - h. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment or Distributor shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- C. Microbusiness subject to a Class 5 (Cannabis Retailer) license shall be a permitted conditional use, as regulated herein.
- a. The microbusiness shall be located wholly or partially within one or more of the following zoning districts:
 - a. Neighborhood Commercial (NC), Palisade Avenue Mixed Use Multi-Family Attached Housing District (R-2D), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Central Business District (CBD), and Office/Residential (O/R).
 - b. Any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.
 - b. Separation Distances and Location Maximums.
 - a. The main entry door of any Microbusiness subject to a class 5 license shall be at least two hundred (200) feet from any school identified on the City's Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35-7.1 et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.
 - b. Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the two hundred (200)-foot school distance requirement.
 - c. For lots wholly or partially within a Neighborhood Commercial (NC) zone, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.
 - d. For lots wholly or partially within eight hundred (800) feet of a PATH Station in Jersey City, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.
 - e. For areas where clause c and d above overlap, there shall be no more than two (2) cannabis establishments on the same block and at least one (1) of the two (2) shall be a certified microbusiness.

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- f. For lots eight hundred (800) feet or more from a PATH Station in Jersey City or outside of a Neighborhood Commercial (NC) zone, the main entry door of any Microbusinesses subject to a Class 5 license shall be separated from one another by a distance of at least six hundred (600) feet.
 - g. The official location of a Station is determined by the NJ Office of Information Technology, Office of GIS (NJOGIS) and published under the title “NJ TRANSIT, PATH, PATCO and SEPTA Passenger Rail Station points, 2018 (NAD83, NJSP feet)” and available for download at <https://njogis-newjersey.opendata.arcgis.com/>.
 - c. Compliance with the general provisions of this Section.
 - d. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, Cannabis Establishments subject to a class 5 license shall comport with regulations related to Retail Sales of Goods and Services.
 - e. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant’s record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant’s history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
 - e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- D. Cannabis Establishments subject to a Class 5 (Cannabis Retailer) license, which do not classify as a Microbusiness, shall be a permitted conditional use, as regulated herein.
- a. The Cannabis Establishment shall be located wholly or partially within one or more of the following zoning districts:
 - a. Neighborhood Commercial (NC), Palisade Avenue Mixed Use Multi-Family Attached Housing District (R-2D), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Central Business District (CBD), and Office/Residential (O/R).
 - b. Any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.
 - b. Separation Distances.
 - a. The main entry door of any Cannabis Establishment subject to a class 5 license shall be at least two hundred (200) feet from any school identified on the City’s Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35-7.1 et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.
 - b. Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the two hundred (200)-foot school distance requirement.
 - c. The main entry door of any Cannabis Establishment subject to a Class 5 license (including microbusinesses) shall be separated from one another by a distance of at least six hundred (600) feet.
 - c. Compliance with the general provisions of this Section.
 - d. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section,

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Cannabis Establishments subject to a class 5 license shall comport with regulations related to Retail Sales of Goods and Services.

- e. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
 - e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.

E. Standards and Endorsement Requirements for Cannabis Consumption Areas.

- a. Cannabis Consumption Areas are permitted conditional uses, as regulated herein:
 - a. Compliance with applicable conditional use requirements, of this section, for a microbusiness subject to a Class 5 license or for a Cannabis Establishment subject to a Class 5 license, except that the following conditions shall supplement or supersede.
 - b. An applicant already has a Class 5 license approved by the City of Jersey City and State Commission, or is concurrently seeking conditional use approval as Cannabis Establishment subject to a Class 5 license.
 - c. Standards for indoor Cannabis Consumption Areas:
 - 1. An indoor Cannabis Consumption Area shall be a structurally enclosed area within a cannabis retailer that is separated by solid walls or windows from the area in which retail sales of cannabis items occur, shall only be accessible through an interior door after first entering the retailer, and shall comply with all ventilation requirements applicable to cigar lounges, as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), in order to permit indoor smoking, vaping, or aerosolizing that is the equivalent of smoking tobacco not in violation of the "New Jersey Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.).
 - 2. Hours of operation in compliance with licensing laws of the City.
 - d. Standards for outdoor Cannabis Consumption Areas:
 - 1. An outdoor Cannabis Consumption Area shall be an exterior structure on the same premises as the medical cannabis dispensary, clinical registrant facility, or cannabis retailer, that is either separate from or connected to the dispensary, facility, or retailer, and that is not required to be completely enclosed, but shall have sufficient walls, fences, or other barrier to prevent any view of patients consuming medical cannabis or person consuming personal use cannabis items within the consumption area from any sidewalk or other pedestrian or non-motorist right-of-way, as the case may be. Operators of an outdoor consumption area shall ensure that any smoking, vaping, or aerosolizing of medical cannabis or personal use cannabis times that occurs in an outdoor Cannabis Consumption Area does not result in migration, seepage, or recirculation of smoke or other exhaled material to any indoor public place or workplace as those terms are defined in section 3 of P.:.2005, c.383 (C.26:3D-57). The Board may require an outdoor consumption area to include any ventilation features as the Board deems necessary and appropriate.
 - 2. An outdoor Cannabis Consumption Area shall not be collocated with any residential use in the same structure or on the same lot.
 - 3. Hours of operation. Outdoor consumption areas shall not operate later than 10:00 PM.
 - 4. Additional standards for outdoor Consumption Areas on rooftops:

An ordinance amending Chapter 84 (Alcoholic Beverages), Chapter 160 (Fees and Charges), Chapter 304 (Taxation) and Chapter 345 (Zoning) and Chapter 3 (Administration of Government) to establish regulations for cannabis establishments and cannabis distributors and authorize a transfer tax and user tax on the sale/transfer of cannabis or cannabis items by a cannabis establishment.

- i. Buffer. The roof or rooftop deck where an outdoor Cannabis Consumption Area is proposed shall be at least fifty (50) feet from any window on an adjacent structure. Distance is measured from the extents of the outdoor Cannabis Consumption Area to adjacent windows.
5. Additional standards for outdoor Consumption Areas in yards:
 - i. Separation Distance. Outdoor Cannabis Consumption Areas located in yards shall be at least two hundred (200) feet from any school, park, or residential use. Distance is measured from the parcel boundary on which the school, park, or residential use is located to the extents of the outdoor Cannabis Consumption Area.
 - ii. Buffer. An outdoor Cannabis Consumption Area located in yards shall be setback from any property line by a minimum of fifteen (15) feet. In addition to walls or fences, the setback area shall include a landscaped buffer.

E. Chapter 3 (Administration of Government) is hereby amended as follows: CHAPTER 3 – ADMINISTRATION OF GOVERNMENT

§ 3-93.1. - Office of the Municipal Prosecutor

A. There is hereby created within the Division of Quality of Life the Office of Municipal Prosecutor, the head of which shall be the Municipal Prosecutor designated as Chief Municipal Prosecutor.

B. The Office of the Municipal Prosecutor shall represent the State, the County, or the City in the litigation of all matters within the statutory jurisdiction of the City of Jersey City Municipal Courts as defined by law, including N.J.S.A. 2B:12-17 and N.J.S.A. 2B:25-5. The Chief Municipal Prosecutor shall have authority over all assistant municipal prosecutors and per diem municipal prosecutors that appear before the Jersey City Municipal Court on behalf of the Office of the Municipal Prosecutor.

C. The Office of the Municipal Prosecutor shall litigate appeals from the Jersey City Municipal Court that are not otherwise in the jurisdiction of any County or State prosecuting office or agency.

D. The Office of the Municipal Prosecutor shall serve as the prosecuting party for the City before the Board of Alcoholic Beverage Control and the Cannabis Control Board.

F. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

G. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.

H. This ordinance shall take effect at the time and in the manner provided by law.

I. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscoring and material [~~struck through~~] is omitted

Ord. 21-053

An ordinance amending Chapter 84 (Alcoholic Beverages), Chapter 160 (Fees and Charges), Chapter 304 (Taxation) and Chapter 345 (Zoning) and Chapter 3 (Administration of Government) to establish regulations for cannabis establishments and cannabis distributors and authorize a transfer tax and user tax on the sale/transfer of cannabis or cannabis items by a cannabis establishment.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Jul 14 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Aug 18 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

SPEAKERS:

Yvonne Balcer
June Jones
Haynes Ko
Jessica Gonzalez
Sarah Russell

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY – Aug 18 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

RECORD OF FINAL COUNCIL VOTE – Aug 18 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Jul 14 2021**
Adopted on second and final reading after hearing on **Aug 18 2021**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Aug 18 2021



City Clerk



Joyce E. Watterman, President of Council
Approved: Aug 18 2021

Amendment(s):
Motion to Amend made by Councilperson Lavarro,
Seconded by Councilperson Rivera

All Amendments are in Red.



Steven M. Fulop, Mayor
Date to Mayor: Aug 19 2021
Approved: Aug 19 2021

Ord. 21-053

An ordinance amending Chapter 84 (Alcoholic Beverages), Chapter 160 (Fees and Charges), Chapter 304 (Taxation) and Chapter 345 (Zoning) and Chapter 3 (Administration of Government) to establish regulations for cannabis establishments and cannabis distributors and authorize a transfer tax and user tax on the sale/transfer of cannabis or cannabis items by a cannabis establishment.

Ord. 21-053

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FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

John Metro, Acting Business Administrator	201.547.5042	JMetro@jcnj.org
Division	Office of the Business Administrator	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Purpose

Ordinance Amending Chapter 84 (Alcoholic Beverages), Chapter 160 (Fees and Charges), Chapter 304 (Taxation) and Chapter 345 (Zoning) to Establish Regulations for Cannabis Establishments and Cannabis Distributors and Authorize a Transfer Tax and User Tax on the Sale/Transfer of Cannabis or Cannabis Items by a Cannabis Establishment Co-sponsor: Matt Ward, Division of City Planning

Cost (Identify all sources and amounts)

0

Contract term (include all)

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ATTACHMENTS:

Cannabis presentation for Council 20210712 ord 21-053 Cannabis Retailer Reference Map 857 20210527 Amendment - Cannabis Regulations Ordinance 7.13.21 Lavarro Amendments - 21-053 RESO PB 20210706 Cannabis Establishments.pdf

Approved by
John Mercer, Assistant Business Administrator
Amy Forman, Attorney
John Metro, Acting Business Administrator

Status:
Approved - Jul 09 2021
Approved - Jul 09 2021
Approved - Jul 09 2021

CANNABIS ZONING / LICENSING / TAXATION

PRESENTATION TO THE JC MUNICIPAL COUNCIL

7/14/2021



LEGALIZATION

- Governor Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older, **A-21** (P.L.2021,c.16)
- **Opt-In or Opt-Out Timeline:**
 - Municipalities have 180 days (until August 21, 2021) to take action to either prohibit or limit the number of cannabis establishments, distributors, or delivery services; the location, manner, and times of operation, local licensing, and establishing civil penalties for violation of ordinances

LEGALIZATION

- **No Action Result:**

- If municipalities do not take action within 180 days, any class of cannabis establishment or distributor will be permitted to operate in the municipality, and depending on the type of establishment, be considered a permitted use in certain zones.

- **5-Year Periods:**

- A municipality that fails to enact an ordinance prohibiting the operation of one or more classes of cannabis establishments, before August 21, 2021, is precluded from passing an ordinance banning the operation for a period of 5 years. After this 5-year period, a municipality has another 180-day window to prohibit or limit cannabis operations, but this action only applies prospectively. Those who initially opt-out can opt-in at any time.

LEGALIZATION

- **Local Cannabis Tax:**

- Municipalities can enact by ordinance a local cannabis tax that cannot exceed 2% for cannabis cultivator, manufacturer, and/or retailer; and 1% for wholesalers. The tax percentage is based on the receipts for each sale and is paid directly to the municipality in the manner prescribed by the municipality. Any delinquencies are treated the same as delinquent property taxes. The tax cannot apply to delivery services to consumers or transfers for the purpose of bulk transportation.

- **Delivery Rights:**

- A municipality cannot prohibit the delivery of cannabis items and related supplies by a delivery service within their jurisdiction.

- **More information**

- Check NJ League of Municipalities website. Link below.

Source: <https://www.njlm.org/969/Cannabis-Legalization>

CITY PLANNING'S TIMELINE

- **June 8th and June 22nd meetings:**
 - Staff addressed zoning for cannabis establishments on two separate meetings.
 - Introduced on the 8th with comments and questions from commissioners
 - Continued on June 22nd with public comment, board comment and recommendation for adoption by council with floor amendments
- **Public comment between meetings:**
 - Advised public to email planning staff or call with questions and concerns between the 8th and 22nd
 - Staff received several emails, had some in-person meetings, and called some CBD stores operating in JC
- **August 21st deadline**
 - Advised Planning Board that the state deadline requires introduction to JC Council by at least July 14th
 - Other efforts in addition to the proposed amendments to the LDO may include licensing and taxation.

LDO / ZONING PROPOSED

State Licenses / Classes

Local Considerations

Proposed LDO / Zoning Language

Retailer Reference Map

STATE LICENSES / CLASSES

- **Cannabis Businesses:**
 - Class 1 – Cannabis Cultivator
 - Class 2 – Cannabis Manufacturer
 - Class 3 – Cannabis Wholesaler
 - Class 4 – Cannabis Distributor
 - Class 5 – Cannabis Retailer
 - Class 6 – Cannabis Delivery Service

STATE LICENSES / CLASSES

- **Cannabis Businesses:**

- Class 1 – Cannabis Cultivator

- Class 2 – Cannabis Manufacturer

- Class 3 – Cannabis Wholesaler

- Class 4 – Cannabis Distributor

- Class 5 – Cannabis Retailer

- Class 6 – Cannabis Delivery Service



**Industrial
by nature**



Main Street by nature



**State preempted –
LDO silent proposed**

STATE LICENSES / CLASSES

- **Cannabis Businesses:**

- Class 1 – Cannabis Cultivator
- Class 2 – Cannabis Manufacturer
- Class 3 – Cannabis Wholesaler
- Class 4 – Cannabis Distributor
- Class 5 – Cannabis Retailer
- Class 6 – Cannabis Delivery Service

- Grows, cultivates, or produces cannabis in New Jersey, and sells.
- Sells and may transport to other cannabis growers, processors, wholesalers or retailers, but not consumers.

STATE LICENSES / CLASSES

- **Cannabis Businesses:**

- Class 1 – Cannabis Cultivator
- **Class 2 – Cannabis Manufacturer**
- Class 3 – Cannabis Wholesaler
- Class 4 – Cannabis Distributor
- Class 5 – Cannabis Retailer
- Class 6 – Cannabis Delivery Service

- Processes cannabis items in New Jersey by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling.
- Optionally transporting these items to other cannabis processors, wholesalers or retailers, but not to consumers.

STATE LICENSES / CLASSES

• Cannabis Businesses:

- Class 1 – Cannabis Cultivator
- Class 2 – Cannabis Manufacturer
- Class 3 – Cannabis Wholesaler
- Class 4 – Cannabis Distributor
- Class 5 – Cannabis Retailer
- Class 6 – Cannabis Delivery Service

- Purchases or otherwise obtains, stores, sells, or otherwise transfers.
- May transport cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

STATE LICENSES / CLASSES

- **Cannabis Businesses:**

- Class 1 – Cannabis Cultivator
- Class 2 – Cannabis Manufacturer
- Class 3 – Cannabis Wholesaler
- **Class 4 – Cannabis Distributor**
- Class 5 – Cannabis Retailer
- Class 6 – Cannabis Delivery Service

- Transports cannabis items in bulk intrastate from one licensed cannabis establishment to another licensed establishment.
- May engage in temporary storage as necessary to carry out transportation activities.

STATE LICENSES / CLASSES

- **Cannabis Businesses:**

- Class 1 – Cannabis Cultivator
- Class 2 – Cannabis Manufacturer
- Class 3 – Cannabis Wholesaler
- Class 4 – Cannabis Distributor
- **Class 5 – Cannabis Retailer**
- Class 6 – Cannabis Delivery Service

- Purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacture or cannabis wholesalers, and sells these to consumers from a retail store.
- May use a cannabis delivery service for the off-premises delivery of cannabis items and related supplies to consumers.
- Must accept consumer purchases to be fulfilled by cannabis delivery services.

STATE LICENSES / CLASSES

- **Cannabis Businesses:**

- Class 1 – Cannabis Cultivator
- Class 2 – Cannabis Manufacturer
- Class 3 – Cannabis Wholesaler
- Class 4 – Cannabis Distributor
- Class 5 – Cannabis Retailer
- **Class 6 – Cannabis Delivery Service**

- **"Cannabis Delivery Service"**
 - Provide courier services for consumer purchases of cannabis items fulfilled by cannabis retailers
 - Make deliveries of cannabis items and related supplies directly to consumers
- **"Delivery"**
 - Means the transportation of cannabis items and related supplies to a consumer.
 - Cannabis Retailers must accept consumer purchases to be fulfilled by Cannabis Delivery Services; and
 - Cannabis Retailers may use a 3rd party technology platform to receive, process, and fulfill orders by consumers for delivery
 - Delivery must be accomplished by a Certified Cannabis Handler for Cannabis Retailers

STATE LICENSES / CLASSES

- **Cannabis Consumption Areas:**

- Means a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either:

- (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis times or the dispensing of medical cannabis occurs: or

- (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption, may be consumed.

STATE LICENSES / CLASSES

- **Microbusinesses:**

- Means a person or entity licensed as a cannabis establishment that shall meet the following requirements:
 - a. 100 percent of the ownership interest in the microbusiness shall be held by current New Jersey residents who have resided in the state for at least the past two consecutive years;
 - b. At least 51 percent of the owners, directors, officers, or employees of the microbusiness shall be residents of the municipality in which the microbusiness is located, or to be located;
 - c. Concerning business operations, and capacity and quantity restrictions:
<see next slide>

STATE LICENSES / CLASSES

- **Microbusinesses:**

- Means a person or entity licensed as a cannabis establishment that shall meet the following requirements:
 - c. Concerning business operations, and capacity and quantity restrictions:
 1. Employ no more than 10 employees;
 2. Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet;
 3. Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit;
 4. Acquire each month in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis;
 5. Acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
 6. Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

LOCAL CONSIDERATIONS

- Regarding Zoning - State law permits municipalities to regulate location, number of establishments, which classes/licenses, hours of operation, and manner.
- **Core Considerations for zoning / Land Development Ordinance (LDO):**
 - Build in public meetings and notice
 - Promote equity and entrepreneurship
 - Recognize concern and existing conditions
 - Balance demand and over saturation
 - Encourage competition and collocation
 - Recognize medicinal and safe space needs

LOCAL CONSIDERATIONS

- Regarding Zoning - State law permits municipalities to regulate location, number of establishments, which classes/licenses, hours of operation, and manner.
- **Core Considerations for zoning / Land Development Ordinance (LDO):**
 - **Build in public meetings and notice**
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 - Balance demand and over saturation
 - Encourage competition and collocation
 - Recognize medicinal and safe space needs

- Class 1 to 5 licenses are permitted as conditional uses, which per the NJ Municipal Land Use Law requires public notice and a public hearing before a land use board.

LOCAL CONSIDERATIONS

- Regarding Zoning - State law permits municipalities to regulate location, number of establishments, which classes/licenses, hours of operation, and manner.
 - **Core Considerations for zoning / Land Development Ordinance (LDO):**
 - Build in public meetings and notice
 - **Promote equity and entrepreneurship**
 - Recognize concern and existing conditions
 - Balance demand and over saturation
 - Encourage competition and collocation
 - Recognize medicinal and safe space needs
- Acknowledged by permitting certified microbusinesses to locate in greater numbers and closer together near PATH station areas and in Neighborhood Commercial Zones (NC), Highway Commercial Zones (HC), and Commercial Automotive Zones (C/A)

LOCAL CONSIDERATIONS

- Regarding Zoning - State law permits municipalities to regulate location, number of establishments, which classes/licenses, hours of operation, and manner.
 - **Core Considerations for zoning / Land Development Ordinance (LDO):**
 - Build in public meetings and notice
 - Promote equity and entrepreneurship
 - **Recognize concern and existing conditions**
 - **Balance demand and over saturation**
 - **Encourage competition and collocation**
 - Recognize medicinal and safe space needs
- Acknowledged by regulating by zone and conditional use, implementing separation distances from schools and from other cannabis establishments
 - In most cases Cannabis Retailers will be 600 feet from one another (except microbusinesses under certain conditions)

LOCAL CONSIDERATIONS

- Regarding Zoning - State law permits municipalities to regulate location, number of establishments, which classes/licenses, hours of operation, and manner.
- **Core Considerations for zoning / Land Development Ordinance (LDO):**
 - Build in public meetings and notice
 - Promote equity and entrepreneurship
 - **Recognize concern and existing conditions**
 - **Balance demand and over saturation**
 - **Encourage competition and collocation**
 - Recognize medicinal and safe space needs

- Specified standards and regulations by Class of license.
- Promote collocation for Classes 1 to 4
- Promote competition for all Classes
- Specified standards for Cannabis Consumptions by indoor versus outdoor, and by areas on rooftop versus areas in yards.

LOCAL CONSIDERATIONS

- Regarding Zoning - State law permits municipalities to regulate location, number of establishments, which classes/licenses, hours of operation, and manner.
- **Core Considerations for zoning / Land Development Ordinance (LDO):**
 - Build in public meetings and notice
 - Promote equity and entrepreneurship
 - Recognize concern and existing conditions
 - Balance demand and over saturation
 - Encourage competition and collocation
 - **Recognize medicinal and safe space needs**

- Specified standards Cannabis Consumption Areas which may be the only safe space for residents that cannot consume in their homes by law, lease or safely.

LDO / ZONING PROPOSED

State Licenses / Classes

Local Considerations

- ▶ **Proposed LDO / Zoning Language**
- ▶ **Retailer Reference Map**

LDO / ZONING PROPOSED

State Licenses / Classes

Local Considerations

- ▶ **Proposed LDO / Zoning Language** — Starts at end of page 9 (of 18) in ordinance
- ▶ **Retailer Reference Map** — Will circulate

CANNABIS CONTROL BOARD (CCB)

- **Membership:**

- Will consist of three (3) members, appointed by the Mayor with the advice and consent of Council.

- **Term:**

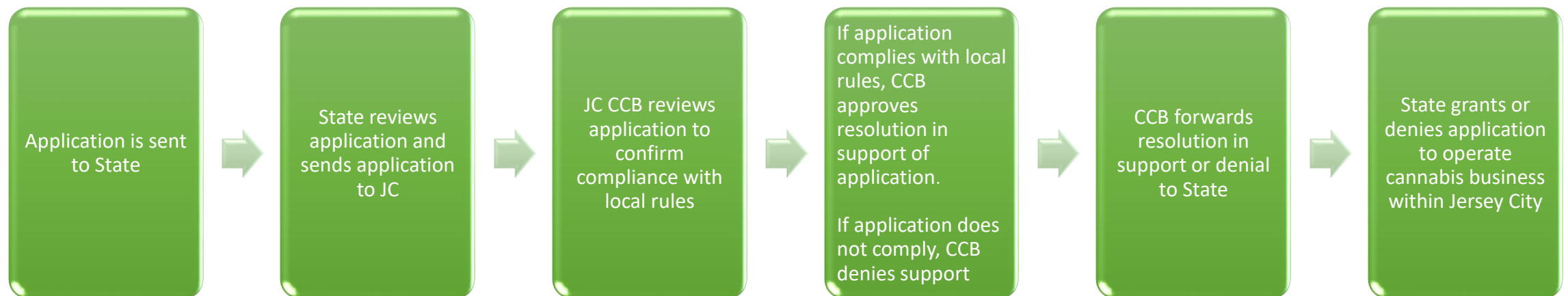
- Three (3) year terms (first appointments will be staggered terms).

- **Responsibilities**

- Reviewing applications for municipal support of the operation of cannabis establishments and distributors.
- Reviewing applications for the operation of a cannabis consumption area and issuing Cannabis Consumption License/endorsements.

MUNICIPAL SUPPORT OF THE OPERATION OF CANNABIS ESTABLISHMENTS/DISTRIBUTORS

- The State is responsible for issuing licenses for the operation of all cannabis establishments/distributors.
- The City and CCB will review these applications to ensure compliance with local rules and regulations. If the application complies with local rules and regulations, the CCB will notify the State that it supports the application, via board resolution.



MUNICIPAL SUPPORT OF THE OPERATION OF CANNABIS ESTABLISHMENTS/DISTRIBUTORS APPLICATION PROCESS

- **What is needed to obtain the City's support?**
 - An application and annual fee (to be addressed later);
 - Financial information;
 - Disclosure of any criminal or quasi-criminal convictions;
 - Proof of compliance with all local regulations;
 - Proof of approvals from Planning Board and any other necessary board approvals;
 - Description of odor mitigating and security practices;

MUNICIPAL SUPPORT OF THE OPERATION OF CANNABIS ESTABLISHMENTS/DISTRIBUTORS APPLICATION PROCESS

- **What is needed to obtain the City's support (cont.)?**
 - A community impact, social responsibility and research statement, which shall include:
 - A community impact plan summarizing how the applicant intends to have a positive impact on the Jersey City community;
 - Description of the applicant's record of social responsibility, philanthropy and ties to Jersey City;
 - Description of any research applicant has conducted or supported on the adverse effects of cannabis use, substance abuse or addiction and educational activities; and
 - Plan describing any research on effects of cannabis use and substance abuse and outreach activities which the applicant intends to conduct, including the applicant's plan to implement or contribute to educational or training programs for individuals formally sentenced for marijuana-related charges to teach those individuals the legal marijuana industry.

MUNICIPAL SUPPORT OF THE OPERATION OF CANNABIS ESTABLISHMENTS/DISTRIBUTORS APPLICATION PROCESS

- **What is needed to obtain the City's support (cont.)?**
 - Workforce development and job creation plan;
 - An attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement; and
 - Any other documents or information the City deems necessary.

Note: Once an applicant applies to the State for a license to operate a cannabis business within Jersey City, the State is required to forward this application to the City.

CANNABIS CONSUMPTION AREAS

- **What is a cannabis consumption area?**

- A designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

- **Can be indoors or outdoors**

- **Indoors**: a structurally enclosed area within a medical dispensary or retailer, but *must be separated from the area in which retail sales or dispensing of cannabis occurs and only accessible through an interior door after first entering the retailer.*
- **Outdoors**: an exterior structure on the same premise as the cannabis retailer or medical dispensary, either separate from or connected to the retailer/dispensary.

CANNABIS CONSUMPTION AREA: APPLICATION PROCESS

- Per State Law, no cannabis consumption area may be operated within Jersey City without **endorsement from BOTH the State and the City.**
- The City's endorsement shall be valid for one (1) year and shall be accompanied by a **Cannabis Consumption Area License.**
- The Cannabis Control Board (CCB) shall grant the City's endorsement, in the form of a board resolution and shall issue Cannabis Consumption Area Licenses.



CANNABIS CONSUMPTION AREA LICENSE AND ENDORSEMENT

- **Applications for Cannabis Consumption Area License and endorsements shall include:**
 - Annual fee (addressed later);
 - General information on applicant (name, residences, etc.);
 - Disclosure of any criminal or quasi-criminal conviction; and
 - Odor mitigating practices;
 - Description of the proposed location of the consumption area;
 - All relevant land use approvals;
 - Copy of the Class 5 Retailer License associated with the proposed consumption area;
 - Safety and security plans and procedures; and
 - Any other documents/information the City deems necessary

CANNABIS CONSUMPTION AREA DENIAL/REVOCAION OF LICENSE & ENDORSEMENT

- The CCB may **deny or revoke** the license and endorsement at any time for **good cause**.
- If the applicant does not receive approval from the City within one year after the date of State approval, the State endorsement shall expire and may not be renewed.
- If an application is denied by the City or the approval of the City is revoked, the State shall revoke the State endorsement.
- An applicant may file a request for a hearing with the Superior Court within 30 days of the City's denial.

GENERAL CANNABIS REGULATIONS

- **Time:**

- Class 5 Retailer License: 7:00 am – 11:00 pm.
- No time restrictions on other classes.
- Indoor cannabis consumption areas: 10:00 am – 2:00 am, the following day
- Outdoor cannabis consumption areas: 10:00 am – 10:00 pm

- **Odor:**

- Must have equipment to mitigate cannabis-related odor, including a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the premise.
- Ventilation system must be approved by the Department of Health and Human Services

GENERAL CANNABIS REGULATIONS

- **Security:**
 - Must be secured and have full-time security protocols in place
 - Security system must be approved by the Jersey City Police Department
- **Public Consumption:**
 - With the exception of cannabis consumption areas, public consumption, smoking, vaping, and aerosolizing of any cannabis item is prohibited.

FEEES

- **Application Fee (Municipal Support of Operation of Cannabis Business):** \$2,500.00
- **Annual Fee (Operation of Cannabis Business within JC):**
 - Cultivator: \$5,000.00
 - Manufacturer: \$5,000.00
 - Wholesaler: \$5,000.00
 - Distributor: \$5,000.00
 - Retailer: \$15,000.00
 - Delivery: \$2,500.00
- **Annual Fee (Cannabis Consumption Area License):** \$25,000.00
- **Escrow Fee (Cannabis Consumption Area License):** \$5,000.00
 - To be used by the CCB to pay professionals for services rendered during the application process.
 - Fee may be raised, or sums refunded, if the cost of services exceeds, or is below, the initial \$5,000.00 fee.

RECREATIONAL CANNABIS TRANSFER AND USER TAX

- **Transfer tax imposed on:**

- Receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator;
- Receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; and
- Receipts from the retail sale of cannabis items by a cannabis retail to retail consumers who are twenty-one (21) years of age or older.

- **Transfer Tax Rates:**

- 2% of the receipts from each sale by a cannabis cultivator
- 2% of the receipts from each sale by a cannabis manufacturer
- 1% of the receipts from each sale by a cannabis wholesaler
- 2% of the receipts from each sale by a cannabis retailer

RECREATIONAL CANNABIS TRANSFER AND USER TAX

- **User Tax:**

- Shall be imposed, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment.
- User tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax.

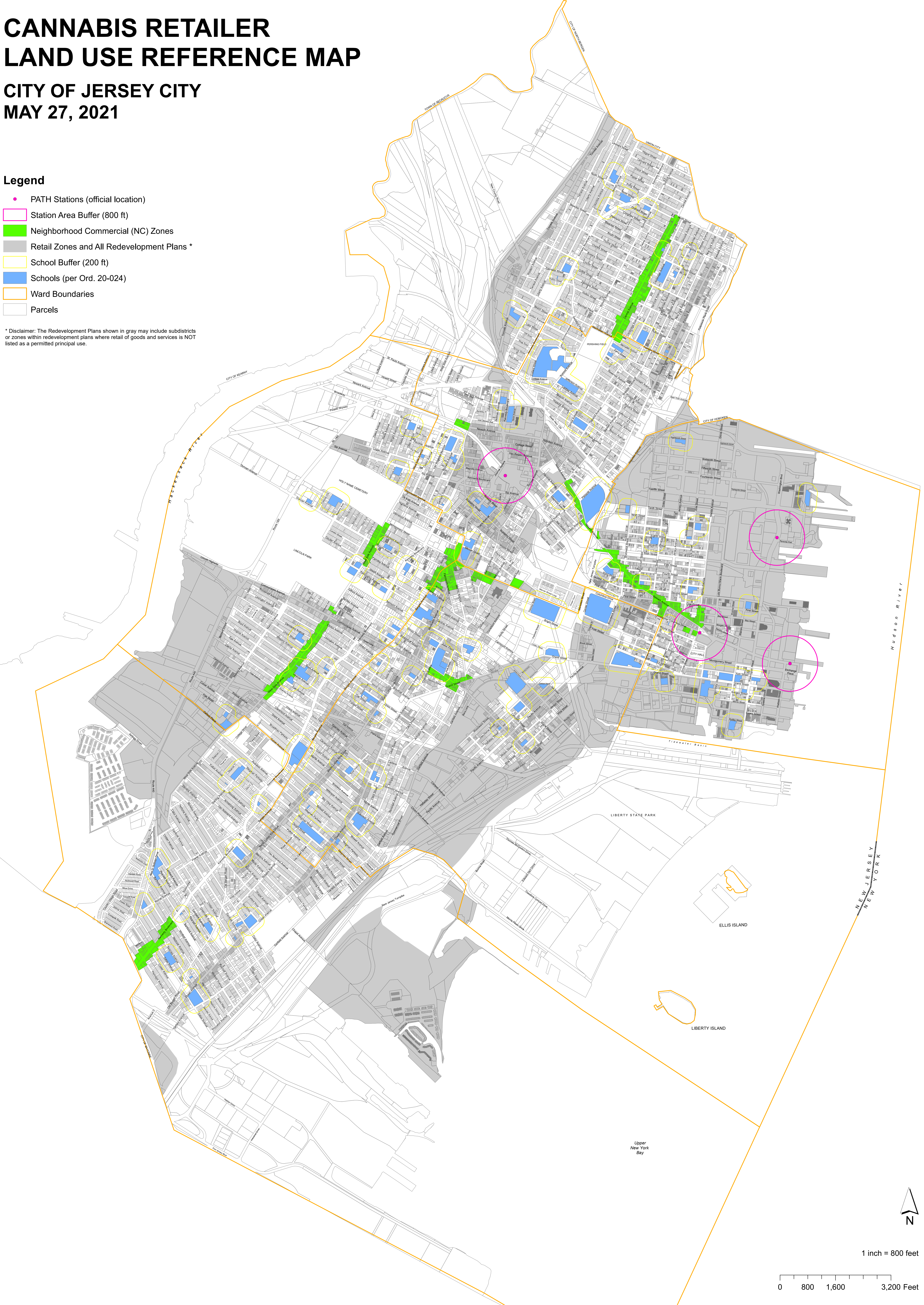
CANNABIS RETAILER LAND USE REFERENCE MAP

CITY OF JERSEY CITY
MAY 27, 2021

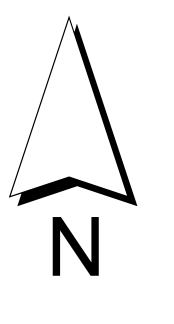
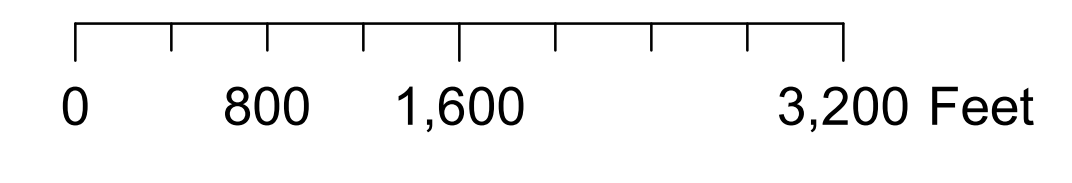
Legend

- PATH Stations (official location)
- Station Area Buffer (800 ft)
- Neighborhood Commercial (NC) Zones
- Retail Zones and All Redevelopment Plans *
- School Buffer (200 ft)
- Schools (per Ord. 20-024)
- Ward Boundaries
- Parcels

* Disclaimer: The Redevelopment Plans shown in gray may include subdistricts or zones within redevelopment plans where retail of goods and services is NOT listed as a permitted principal use.



1 inch = 800 feet



Ordinance Amending Chapter 84 (Alcoholic Beverages), Chapter 160 (Fees and Charges), Chapter 304 (Taxation) and Chapter 345 (Zoning) and Chapter 3 (Administration of Government) to Establish Regulations for Cannabis Establishments and Cannabis Distributors and Authorize a Transfer Tax and User Tax on the Sale/Transfer of Cannabis or Cannabis Items by a Cannabis Establishment

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six classes of licensed cannabis businesses that may operate within a municipality:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, the Act authorizes municipalities to prohibit the operation of any one or more classes of cannabis establishment, or cannabis distributors or cannabis delivery service, but not the delivery of cannabis items and related supplies by a delivery service, within the jurisdiction of the municipality; and

WHEREAS, the Act authorizes municipalities to adopt regulations governing the number of cannabis establishments, cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors, but the time of operation of delivery services shall be subject only to regulation by the State; and

WHEREAS, the Act requires a municipality to adopt an ordinance prohibiting the operation of one or more classes of cannabis establishments, or cannabis distributors or cannabis delivery services within one hundred eighty (180) days after the effective date of the Act (i.e. by August 21, 2021); and

WHEREAS, the failure of a municipality to adopt this ordinance within 180 days shall result in any class of cannabis establishment, or a cannabis distributor or cannabis delivery service that is not prohibited from operating within the municipality as being permitted to operate therein and the municipality will not have another opportunity to enact a prohibiting ordinance for five years; and

WHEREAS, the Act also allows authorizes municipalities to impose a transfer tax and user tax on the sale/transfer of cannabis or cannabis items by a cannabis establishment that is located in the municipality; and

WHEREAS, the City of Jersey City has a strong interest in allowing all classes of license cannabis businesses to operate within the City; and

WHEREAS, the proposed changes to Chapter 345, the City’s zoning code, have been reviewed and received a positive recommendation from the Jersey City Planning Board on June 22, 2021.

WHEREAS, to promote a successful and efficient cannabis industry in Jersey City, it is in the City’s best interest to adopt the following regulations regarding the operation of cannabis businesses within the City and to begin imposing a transfer tax and user tax for the sale/transfer of cannabis located in the City.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. Chapter 84 (Alcoholic Beverages) is hereby amended as follows:

CHAPTER 84 – ALCOHOLIC BEVERAGES AND CANNABIS

ARTICLE IV –CANNABIS

§ 84-44. - Definitions.

As used in this Article, the following terms shall have the meanings indicated:

“BOARD” means the Jersey City Cannabis Control Board.

“CANNABIS” means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis”

does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marijuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“CANNABIS CONSUMPTION AREA” means, as further described in section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

“CANNABIS CULTIVATOR” means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

“CANNABIS DELIVERY SERVICE” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

“CANNABIS DISTRIBUTOR” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

“CANNABIS ESTABLISHMENT” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“CANNABIS ITEM” means any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. “Cannabis item” does not include: any form of medical cannabis dispensed

to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“CANNABIS MANUFACTURER” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

“CANNABIS WHOLESALER” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

“COMMISSION” means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

“CONSUMPTION” means the act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

“DELIVERY” means the transportation of cannabis items and related supplies to a consumer. “Delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

“INDOOR PUBLIC PLACE” means a structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child care center licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment; apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

“MEDICAL CANNABIS” means cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.). “Medical cannabis” does not include any cannabis or cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16 (C.24:6I-31 et al.).

“PUBLIC PLACE” means any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

§ 84-45. – Permitted Classes.

A. The following cannabis licenses shall be permitted to operation within Jersey City, subject to all applicable state and local regulations:

1. Class 1 Cannabis Cultivator license, as set forth in N.J.S.A. 24:6I-37
2. Class 2 Cannabis Manufacturer license, as set forth in N.J.S.A. 24:6I-39
3. Class 3 Cannabis Wholesaler license, as set forth in N.J.S.A. 24:6I-40
4. Class 4 Cannabis Distributor license, as set forth in N.J.S.A. 24:6I-41
5. Class 5 Cannabis Retailer license, as set forth in N.J.S.A. 24:6I-42
6. Class 6 Cannabis Delivery license, as set forth in N.J.S.A. 24:6I-44

§ 84-46. – Class 5 Cannabis Retail license permitted hours of operation.

The holder of a Class 5 Cannabis Retail license shall be permitted to sell cannabis items and related supplies daily between the hours of 7:00 am – 11:00 pm.

§ 84-47. – Public Consumption of Cannabis.

- A. Smoking, vaping or aerosolizing any cannabis item in a public place is prohibited, including but not limited to, any public street, sidewalk, pedestrian plaza, parks, any public place pursuant to law that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.) and any indoor public place, or portion thereof, with the exception of cannabis consumption areas.
- B. Consumption, smoking, vaping or aerosolizing, any cannabis items in a public place, including any public street, sidewalk, pedestrian plaza, parks or any indoor public place, or portion thereof, is prohibited, with the exception of cannabis consumption areas.
- C. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes a cannabis item, including smoking, vaping or aerosolizing, on private property.

§ 84-48. – Odor.

A cannabis establishment and cannabis distributor shall have the equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor. The

ventilation system must be approved by the City of Jersey City Department of Health and Human Services.

§ 84-49. – Product display and storage; mobile structure prohibited

- A. No cannabis items shall be visible from a public sidewalk, street, or right-of-way, or any other public view. All cannabis items shall be stored indoors and on-site.
- B. No cannabis establishment shall be housed in a vehicle or any movable or mobile structure. This probation shall not include vehicles used for delivery services.

§ 84-50. – Security.

All cannabis establishments and cannabis distributors shall be secured and have full-time security protocols in place. Security protocols shall be submitted to the Jersey City Police Department for compliance review with all safety and security standards established by the State of New Jersey for cannabis establishments and distributors. The Jersey City Police Department may, at its discretion and upon review of the proposed location, recommend or require additional safety and security measures. At minimum, the following shall apply:

- A. A video recording system shall be employed covering all areas of the cannabis establishment and cannabis distributor and adjacent exterior of building with a 24/7 recording system that records for a minimum of thirty-day archive.
- B. The premises and right-of-way adjacent to the cannabis establishment and cannabis distributor shall be monitored by staff of the establishment or distributor and kept free of loitering, litter and other debris and the sidewalks shall be swept and cleaned on a regular basis.

§ 84-51. – Cannabis Control Board.

- A. Creation of board; membership.
 - a. The Jersey City Cannabis Control Board is hereby established, and shall consist of three (3) persons, who shall be appointed by the Mayor with the advice and consent of Council, for a term of three years but one of the initial appointments shall be for one year, another for two years, and the third for three years.
 - b. In the case of any vacancy occurring before the expiration of any term, the appointment to fill such vacancy shall be only for the unexpired term.
 - c. The members of the Cannabis Control Board may be removed by the governing body for cause.
- B. Responsibilities. The Cannabis Control Board shall be responsible for reviewing and approving, when appropriate, applications for the operation of cannabis establishes and cannabis distributors and applications for the operation of cannabis consumption areas. Members of the CCB shall not have contact with applicants outside of a CCB meeting, unless the member is a City employee and such contact with an applicant is required for his/her duties.
- C. Meetings. The Cannabis Control Board shall establish a regular schedule of meetings, at least once a month or as often as required to meet the needs of its business, to handle

emergencies, or to meet time constraints imposed by law. Upon completion of an application, the application shall be heard by the CCB at the next available meeting.

§ 84-52. – Municipal support of cannabis establishments and distributors (Classes 1-5).

- A. All applications received by the Commission for the operation of a cannabis establishment and cannabis distributors in Jersey City shall be sent to the Division of Commerce, within the time period set forth by the State, for municipal review. The Division of Commerce shall submit all completed applications to the Cannabis Control Board for the Board’s review and approval. This shall be in addition to the application to the City Division of Planning for necessary approval under Chapter 345.
- B. The Cannabis Control Board shall review all applications to ensure compliance with local rules and regulations governing the operation of cannabis establishments and cannabis distributor and, when the Board deems appropriate, to provide local support of the application in the form of a board resolution.
- C. The fees for this application and review shall be as provided in Chapter 160, Fees and Charges.
- D. An applicant is requested to submit the following documents or information for the Board’s evaluation:
 - 1. Names and residences of all persons financially interested in the business, and the nature and extent of this interest; and, if a corporation, the names, residences and citizenship of the officers, directors and stockholders, and shall disclose whether the applicant has been convicted of any criminal or quasi-criminal offense, and if so, the date and place of such conviction and the nature of the offense;
 - 2. Proof the cannabis establishment or cannabis distributor will be operated pursuant to all local and state regulations;
 - 3. Any necessary approvals by the Jersey City Planning Board, or other related boards;
 - 4. Odor mitigating practices;
 - 5. Safety and security plans and procedures;
 - 6. A description of the proposed location, including the surrounding area and the suitability or advantages of the proposed location, along with a floor plan and optional renderings or architectural or engineering plans;
 - 7. Plans to operate a cannabis consumption area, if applicable;
 - 8. A community impact, social responsibility, and research statement, which shall include, but shall not be limited to the following:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the Jersey City, which shall include an economic impact plan, and a description of outreach activities;
 - b. A written description of the applicant’s record of social responsibility, philanthropy, and ties to Jersey City;
 - c. A written description of any research the applicant has conducted on the adverse effects of the use of cannabis items, substance abuse or addition, and the applicant’s participation in or support of cannabis-related research and educational activities;

- d. A written plan describing any research and development regarding the adverse effects of cannabis, and any cannabis-related educational and outreach activities, which the applicant intends to conduct if issued a permit by the Commission, including the applicant’s plan to implement or contribute to educational or training programs for individuals formally sentenced for marijuana-related charges to teach those individuals the legal marijuana industry within Jersey City.
- 9. A workforce development and job creation plan, which may include information on the applicant’s history of job creation and planned job creation at the proposed cannabis establishment or cannabis distributor; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan;.
- 10. An attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
- 11. A business and financial plan; and
- 12. Any other documents or information the City deems necessary.
- E. Jersey City encourages and promotes the participation of minority, women, and disabled veteran owned-businesses in the personal use cannabis industry in Jersey City.
- F. The Cannabis Control Board shall promptly notify the State if the application complies with all local rules and regulations. The Cannabis Control Board shall also submit proof of local support in the form of a resolution, or, if the Cannabis Control Board does not support the application, the Board shall notify the State and provide its reasoning as to why the Board does not support the application.

§ 84-53. – Cannabis consumption area.

- A. General. Jersey City may authorize the operation of locally endorsed cannabis consumption areas that area:
 - 1. Operated by medical cannabis dispensaries, including any alternative treatment centers deemed to hold a medical cannabis dispensary permit pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), and clinical registrants within its jurisdiction, at which areas the on-premises consumption of medical cannabis may occur; or
 - 2. Operated by cannabis retailers within its jurisdiction, at which areas the on-premises consumption of personal use cannabis may occur; or
 - 3. Operated by medical cannabis dispensaries, including any alternative treatment centers deemed to hold a medical cannabis dispensary permit pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), within its jurisdiction that are also deemed to have, pursuant to that section, one or more Class 5 Cannabis Retailer licenses and for which the commission has correspondingly issued one or more licenses following receipt of the Jersey City’s and Commission’s approval to operate as a cannabis retailer pursuant to subparagraph (a) of paragraph(3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46), or medical cannabis dispensaries and alternative treatment centers otherwise issued a license by the commission pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), to simultaneously operate as a cannabis retailer, at which areas the on-premises consumption of both medical cannabis and personal use cannabis items may occur.

B. Local Endorsement

1. No cannabis consumption area may be operated within Jersey City without endorsement from the State of New Jersey and Jersey City, in the form of a resolution approved by the Jersey City Cannabis Control Board, and a Cannabis Consumption Area License.
2. Local endorsements shall be valid for one (1) year and must be renewed annually.
3. The Cannabis Control Board shall notify the State of its endorsement and approval of the Cannabis Consumption Area License, in the form of a board resolution.

C. Cannabis Consumption Area License

1. Cannabis Consumption Area Licenses must be granted by the Cannabis Control Board and shall be valid for one (1) year.
2. The fees for this license shall be as provided in Chapter 160, Fees and Charges.
3. The Cannabis Control Board may approve a Cannabis Consumption Area Licenses, but the Cannabis Consumption License will not be issued or become effective until the applicant can show proof of State endorsement and zoning approval.
4. Applications shall be filed with the Division of Commerce on forms approved by the Director of the Division of Commerce. The application shall contain the following:
 - a. Names and residences of all persons financially interested in the business, and the nature and extent of this interest; and, if a corporation, the names, residences and citizenship of the officers, directors and stockholders, and shall disclose whether the applicant has been convicted of any criminal or quasi-criminal offense, and if so, the date and place of such conviction and the nature of the offense;
 - b. Odor mitigating practices;
 - c. A description of the proposed location, including the surrounding area and the suitability or advantages of the proposed location, along with a floor plan and optional renderings or architectural or engineering plans;
 - d. All relevant land use approvals, including approved site plans;
 - e. A copy of the Class 5 Cannabis Retailer license associated with the proposed consumption area;
 - f. Safety and security plans and procedures; and
 - g. Any other documents and information the Division of Commerce deems necessary.
5. The proposed premise may be inspected by the Department of Housing, Economic Development, and Commerce, Department of Public Safety, and the Department of Health and Human Services for compliance with relevant laws and regulations.

D. Denial or Revocation of Endorsement or Cannabis Consumption Area License

1. The Cannabis Control Board may deny or revoke the endorsement and/or the Cannabis Consumption Area License at any time for good cause. Good cause shall mean:
 - a. The endorsed license holder or applicant has violated, does not meet, or has failed to comply with, any of the terms, conditions or provisions of this Chapter or related rules and regulations, any supplemental local laws, rules or regulations;

- b. The endorsed license holder or applicant has failed to comply with any special terms or conditions that were placed on its endorsement by the State or Jersey City or the City of Jersey City; and
 - c. The premises have been operated in a manner that adversely affects the public health or the safety of the immediate neighborhood in which the consumption area is located.
 - 2. A cannabis consumption area is prohibited from operating if either its endorsement or Cannabis Consumption Area License is revoked.
- E. Location; time of operation; odor; and signage
 - 1. Indoor cannabis consumption areas shall be permitted to operate daily between the hours of 10:00 am – 2:00 am, the following day.
 - 2. Outdoor cannabis consumption areas shall be permitted to operate daily between the hours of 10:00 am – 10:00 pm.
 - 3. Cannabis consumption areas must comply with the odor and security requirements set forth in § 84-49 and § 84-51.
 - 4. All cannabis consumption areas must be designed by conspicuous signage, which shall indicate whether the consumption area may be used for the on-premises consumption of medical cannabis, personal use cannabis items, or both.

§ 84-54. – Violations; penalties.

Any person or corporation convicted of violating any of the provisions of this Chapter shall be subject to the penalties set forth in § 1-25.

B. Chapter 160 (Fees and Charges) is hereby amended as follows:

CHAPTER 160 – FEES AND CHARGES

§ 160-1. - Fee schedule established.

A. – B. NO CHANGE

C. Chapter 84, Alcoholic Beverages and Cannabis

(1) – (6) NO CHANGE

(7) The application fee for municipal support of cannabis establishments and distributors, as outlined in § 84-52 shall be two thousand five hundred dollars (\$2,500.00).

(8) The annual fee for successful applicants operating cannabis establishments or distributors in Jersey City shall be as follows:

Class 1 Cannabis Cultivator license: five thousand dollars (\$5,000.00)

Class 2 Cannabis Manufacturer license: five thousand dollars (\$5,000.00)

Class 3 Cannabis Wholesaler license: five thousand dollars (\$5,000.00)

Class 4 Cannabis Distributor license: five thousand dollars (\$5,000.00)

Class 5 Cannabis Retailer license: fifteen thousand dollars (\$15,000.00)
Class 6 Cannabis Delivery license: two thousand five hundred dollars (\$2,500.00)

(9) Annual license fee for cannabis consumption area license shall be twenty-five thousand dollars (\$25,000.00).

(10) All applications for a Cannabis Consumption Area License and endorsement shall be accompanied by an escrow fee of five thousand dollars (\$5,000) to be used by the Cannabis Control Board to pay professionals for services rendered during the application process such as review and preparation of documents, transcripts, and inspections. If review costs exceed the escrow deposited, the applicant shall pay the additional amount within fifteen (15) days of the request for additional funds. Where the review costs are less than the amount of the escrow deposit, the difference shall be returned to the applicant within one hundred twenty (120) days of final disposition of the application.

C. Chapter 304 (Taxation) is hereby amended as follows:

CHAPTER 304 – TAXATION

ARTICLE IX –RECREATIONAL CANNABIS TRANSFER AND USER TAX

§ 304-47. – Title.

This article shall be known and may be cited as the “Recreational Cannabis Transfer and User Tax.”

§ 304-48. – Definitions.

To effectuate the purposes of this article, these terms shall have the following meanings:

CANNABIS means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act for use in cannabis products as set forth in the Act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35- 2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marijuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed,

transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

CANNABIS CULTIVATOR means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS ESTABLISHMENT means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS ITEM means any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al)

CANNABIS MANUFACTURER means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS RETAILER means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS WHOLESALER means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

CONSUMER means a person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

PREMISES means the following areas of a location licensed under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act: all

public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

§ 304-49. – Tax imposed; transfer tax and user tax.

- A. As authorized by N.J.S.A. 40:48I-1, there is hereby a transfer tax imposed on: (1) receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; (2) receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; (3) receipts from the retail sale of cannabis items by a cannabis retail to retail consumers who are twenty-one (21) years of age or older.
- B. This transfer tax shall be imposed at the following rates:
 - (1) 2% of the receipts from each sale by a cannabis cultivator
 - (2) 2% of the receipts from each sale by a cannabis manufacturer
 - (3) 1% of the receipts from each sale by a cannabis wholesaler
 - (4) 2% of the receipts from each sale by a cannabis retailer
- C. There shall also be imposed a user tax, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment, as permitted by Section 33 of P.L.2021, c.16 (C.24:6I-46). The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraphs A and B of this Section, from the license holder’s establishment that is located in Jersey City to any of the other license holder’s establishments, whether located in Jersey City or another municipality.
- D. All taxes imposed by this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the “Sales and Use Tax Act”, P.L. 1966, c. 30 (C.54:32B-1 et seq.).

§ 304-50. – Collection and payment of transfer tax and user tax.

- A. The transfer tax or user tax shall be collected or paid, and remitted to Jersey City by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis items, or from the consumer at the point of sale, on behalf of Jersey City by the cannabis retailer selling the cannabis item to that consumer.
- B. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
- C. Every cannabis establishment required to collect a transfer or user tax imposed by this section shall be personally liable for the transfer tax or user tax imposed, collected or required to be collected under this section.

- D. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the cannabis consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided however, that the Business Administrator shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
- E. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertised or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.
- F. All revenues collected from a transfer tax or user tax imposed by this section shall be remitted to the Division of Commerce in a manner prescribed by the Business Administrator. The Division of Commerce shall collect and administer any transfer tax or user tax imposed by this section.
- G. The City shall enforce the payment of delinquent taxes or transfer fees imposed by this section in the same manner as provided for municipal real property taxes.

§ 304-51. – Penalties for nonpayment.

- A. In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment’s premises in the same manner as all other unpaid municipal taxes, fees or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- B. The City shall file in the Office of the Tax Collector, a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment’s premises.
- C. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

§ 304-52. – Use of revenues.

- A. The revenues collected from the tax imposed under this Article shall be dedicated to the Jersey City Public Schools and social equity programs. A Cannabis Fund Committee shall be established and will determine the allocation of the funding from the Cannabis Fund based on the needs of the community on an annual basis and pursuant to this Article and any regulations set forth by the City and State. The Cannabis Fund Committee makeup shall be determined in future legislation.

B. The City’s Business Administrator, including his or her designee and/or agent, shall deposit the revenues from the Recreational Cannabis Transfer and User Tax into a Cannabis Fund on a quarterly basis.

D. Chapter 345 (Zoning) is hereby amended as follows:

CHAPTER 345 – ZONING

ARTICLE IV –FEES, DEPOSITS AND INSPECTIONS

§ 345-33. – Fees.

A. Applicable Fees.

<NO CHANGES>

B. Schedule of fees.

Fee Table I

Application Type	Application Fees
Planning Board and Board of Adjustment Applications	Non-Refundable
<u>Conditional Use – Cannabis Establishments</u>	<u>\$2,500.00</u>
Conditional Use – <u>All others</u>	\$200.00

<NO OTHER CHANGES>

ARTICLE V –ZONING AND DESIGN STANDARDS

§ 345-60.5. – Cannabis Establishment Regulations.

1 – Purpose.

A. Pursuant to N.J.S.A. 24:6I-45(a) (“State Law”), Jersey City may enact ordinances governing the number of cannabis establishments as well as the location, manner, and times of operation of these establishments. The purpose of this chapter is to regulate cannabis establishments in a manner that will minimize potential adverse impacts of such establishments and to promote the public health, safety, morals, and general welfare.

2 – Definitions.

- A. Definitions promulgated in N.J.S.A. 24:6I-33 shall apply to this section of the Jersey City Municipal Code.
- B. For the purposes of local restrictions, the following definitions shall supplement or give greater specificity to the terms used in this section of the Municipal Code.
1. Cannabis Establishment – means a cannabis cultivator (Class 1 license), a cannabis manufacturer (Class 2 license), a cannabis wholesaler (Class 3 license), or a cannabis retailer (Class 5 license).
 2. Cannabis Distributor – means a Class 4 license.
 3. Cannabis Consumption Area – means a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis takes place or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption, may be consumed.
 4. Microbusiness – means a person or entity licensed as a cannabis establishment that shall meet the following requirements:
 - a. 100 percent of the ownership interest in the microbusiness shall be held by current New Jersey residents who have resided in the state for at least the past two consecutive years;
 - b. At least 51 percent of the owners, directors, officers, or employees of the microbusiness shall be residents of the municipality in which the microbusiness is located, or to be located;
 - c. Concerning business operations, and capacity and quantity restrictions:
 - 1) Employ no more than 10 employees;
 - 2) Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet;
 - 3) Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor’s possession of cannabis plants for transportation shall not be subject to this limit;
 - 4) Acquire each month in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis;
 - 5) Acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
 - 6) Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

5. State Commission – means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

3 – General Provisions.

- 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 the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and from the City of Jersey City for the applicable type(s) of cannabis establishment and for cannabis consumption area endorsement. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
- C. Permitted conditional uses shall, at all times, comply with the terms and conditions of the licensee’s cannabis establishment license for permits and licenses issued by the State of New Jersey and the City of Jersey City.
- D. Odor. A cannabis establishment shall have the equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor.
- 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 and shall have a round-the-clock video surveillance system, 365 days a year.
- G. Compliance with all other applicable chapters of the Jersey City Municipal Code.
- H. When the state commission receives an application for initial licensing or renewal of an existing license for any cannabis establishment, distributor, or delivery service, or endorsement for a cannabis consumption area, the state commission shall provide, within 14 days, a copy of the application the City of Jersey City which shall be delivered to the Division of City Planning, Jersey City Planning Board, and the City Clerk.

4 – Cannabis Establishments, classes 1 to 5, shall be permitted conditional uses, as regulated herein.

- A. Cannabis Establishments and Distributors subject to a Class 1, 2, 3 or 4 licenses shall be permitted conditional uses, as regulated herein, in all industrial zones, light industrial zones or industrial overlays as well as the Highway Commercial Zone (HC) along Tonnele Avenue.
1. Cannabis Establishments shall not be collocated with any residential use in the same structure or on the same lot.
 2. No outdoor cultivation shall be allowed within thirty (30) feet of any property line.
 3. Barb wire or razor wire is prohibited.
 4. Compliance with the general provisions of this Section.
 5. Cannabis Manufacturers shall prove that proper and adequate conditions and safeguards are provided to mitigate any detrimental impacts to the public health, safety or general welfare of nearby residential uses.
 6. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. If standards are differentiated by use then the following land use categories shall apply:
 - a. Cannabis Establishments subject to a class 1 license shall comport with regulations related to Manufacturing uses.
 - b. Cannabis Establishments subject to a class 2 license shall comport with regulations related to Manufacturing uses.
 - c. Cannabis Establishments subject to a class 3 license shall comport with regulations related to Warehousing uses.
 - d. Cannabis Distributors subject to a class 4 license shall comport with regulations related to Warehousing uses.
 - e. If a Zone does not include the land use categories listed above, the most restrictive or least intense regulations or standards of that particular zone shall apply to that cannabis establishment.
 7. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment or Distributor shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.

- e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- B. Cannabis Establishments and Distributors subject to a Class 1, 2, 3, 4 licenses and certified as a microbusiness shall be permitted conditional uses, as regulated herein, in Commercial/Automotive (C/A) or Highway Commercial (HC) Zones.
1. Cannabis Establishments and Distributors shall not be collocated with any residential use in the same structure or on the same lot.
 2. Outdoor cultivation is prohibited.
 3. Barb wire or razor wire is prohibited.
 4. Compliance with the general provisions of this Section.
 5. Cannabis Manufacturers shall prove that proper and adequate conditions and safeguards are provided to mitigate any detrimental impacts to the public health, safety or general welfare of nearby residential uses.
 6. The signage, bulk, coverage, and design regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, in instances where signage, bulk, coverage, and design regulations and standards are regulated by use or differentiated by use, the standards and regulations that are most restrictive or least intense shall apply to cannabis establishments.
 7. Parking Requirements: Excluding the first five thousand (5,000) square feet, one off-street parking space is required for five hundred (500) square feet of gross floor area.
 8. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment or Distributor shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- C. Microbusiness subject to a Class 5 (Cannabis Retailer) license shall be a permitted conditional use, as regulated herein.

1. The microbusiness shall be located wholly or partially within one or more of the following zoning districts:
 - a. Neighborhood Commercial (NC), Palisade Avenue Mixed Use Multi-Family Attached Housing District (R-2D), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Central Business District (CBD), and Office/Residential (O/R).
 - b. Any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.
2. Separation Distances and Location Maximums.
 - a. The main entry door of any Microbusiness subject to a class 5 license shall be at least two hundred (200) feet from any school identified on the City's Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35-7.1 et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.
 - b. Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the two hundred (200)-foot school distance requirement.
 - c. For lots wholly or partially within a Neighborhood Commercial (NC) zone, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.
 - d. For lots wholly or partially within eight hundred (800) feet of a PATH Station in Jersey City, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.
 - e. For areas where clause c and d above overlap, there shall be no more than two (2) cannabis establishments on the same block and at least one (1) of the two (2) shall be a certified microbusiness.
 - f. For lots eight hundred (800) feet or more from a PATH Station in Jersey City or outside of a Neighborhood Commercial (NC) zone, the main entry door of any Microbusinesses subject to a Class 5 license shall be separated from one another by a distance of at least six hundred (600) feet.
 - g. The official location of a Station is determined by the NJ Office of Information Technology, Office of GIS (NJOGIS) and published under the title "NJ TRANSIT, PATH, PATCO and SEPTA Passenger Rail Station points, 2018 (NAD83, NJSP feet)" and available for download at <https://njogis-newjersey.opendata.arcgis.com/>.
3. Compliance with the general provisions of this Section.
4. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, Cannabis Establishments subject to a class 5 license shall comport with regulations related to Retail Sales of Goods and Services.

5. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
 - e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- D. Cannabis Establishments subject to a Class 5 (Cannabis Retailer) license, which do not classify as a Microbusiness, shall be a permitted conditional use, as regulated herein.
1. The Cannabis Establishment shall be located wholly or partially within one or more of the following zoning districts:
 - a. Neighborhood Commercial (NC), Palisade Avenue Mixed Use Multi-Family Attached Housing District (R-2D), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Central Business District (CBD), and Office/Residential (O/R).
 - b. Any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.
 2. Separation Distances.
 - a. The main entry door of any Cannabis Establishment subject to a class 5 license shall be at least two hundred (200) feet from any school identified on the City's Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35-7.1 et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.
 - b. Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the two hundred (200)-foot school distance requirement.

- c. The main entry door of any Cannabis Establishment subject to a Class 5 license (including microbusinesses) shall be separated from one another by a distance of at least six hundred (600) feet.
 - 3. Compliance with the general provisions of this Section.
 - 4. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, Cannabis Establishments subject to a class 5 license shall comport with regulations related to Retail Sales of Goods and Services.
 - 5. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
 - e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- E. Standards and Endorsement Requirements for Cannabis Consumption Areas.
- 1. Cannabis Consumption Areas are permitted conditional uses, as regulated herein:
 - a. Compliance with applicable conditional use requirements, of this section, for a microbusiness subject to a Class 5 license or for a Cannabis Establishment subject to a Class 5 license, except that the following conditions shall supplement or supersede.
 - b. An applicant already has a Class 5 license approved by the City of Jersey City and State Commission, or is concurrently seeking conditional use approval as Cannabis Establishment subject to a Class 5 license.
 - c. Standards for indoor Cannabis Consumption Areas:
 - 1) An indoor Cannabis Consumption Area shall be a structurally enclosed area within a cannabis retailer that is separated by solid walls or windows from the area in which retail sales of cannabis items occur, shall only be accessible through an interior door after first entering the retailer, and shall comply with all ventilation

requirements applicable to cigar lounges, as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), in order to permit indoor smoking, vaping, or aerosolizing that is the equivalent of smoking tobacco not in violation of the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.).

2) Hours of operation in compliance with licensing laws of the City.

d. Standards for outdoor Cannabis Consumption Areas:

1) An outdoor Cannabis Consumption Area shall be an exterior structure on the same premises as the medical cannabis dispensary, clinical registrant facility, or cannabis retailer, that is either separate from or connected to the dispensary, facility, or retailer, and that is not required to be completely enclosed, but shall have sufficient walls, fences, or other barrier to prevent any view of patients consuming medical cannabis or person consuming personal use cannabis items within the consumption area from any sidewalk or other pedestrian or non-motorist right-of-way, as the case may be. Operators of an outdoor consumption area shall ensure that any smoking, vaping, or aerosolizing of medical cannabis or personal use cannabis times that occurs in an outdoor Cannabis Consumption Area does not result in migration, seepage, or recirculation of smoke or other exhaled material to any indoor public place or workplace as those terms are defined in section 3 of P.:”.2005, c.383 (C.26:3D-57). The Board may require an outdoor consumption area to include any ventilation features as the Board deems necessary and appropriate.

2) An outdoor Cannabis Consumption Area shall not be collocated with any residential use in the same structure or on the same lot.

3) Hours of operation. Outdoor consumption areas shall not operate later than 10:00 PM.

4) Additional standards for outdoor Consumption Areas on rooftops:

i. Buffer. The roof or rooftop deck where an outdoor Cannabis Consumption Area is proposed shall be at least fifty (50) feet from any window on an adjacent structure. Distance is measured from the extents of the outdoor Cannabis Consumption Area to adjacent windows.

5) Additional standards for outdoor Consumption Areas in yards:

i. Separation Distance. Outdoor Cannabis Consumption Areas located in yards shall be at least two hundred (200) feet from any school, park, or residential use. Distance is measured from the parcel boundary on which the school, park, or residential use is located to the extents of the outdoor Cannabis Consumption Area.

ii. Buffer. An outdoor Cannabis Consumption Area located in yards shall be setback from any property line by a minimum of fifteen (15) feet. In addition to walls or fences, the setback area shall include a landscaped buffer.

E. Chapter 3 (Administration of Government) is hereby amended as follows:

CHAPTER 3 – ADMINISTRATION OF GOVERNMENT

§ 3-93.1. - Office of the Municipal Prosecutor

A. There is hereby created within the Division of Quality of Life the Office of Municipal Prosecutor, the head of which shall be the Municipal Prosecutor designated as Chief Municipal Prosecutor.

B. The Office of the Municipal Prosecutor shall represent the State, the County, or the City in the litigation of all matters within the statutory jurisdiction of the City of Jersey City Municipal Courts as defined by law, including N.J.S.A. 2B:12-17 and N.J.S.A. 2B:25-5. The Chief Municipal Prosecutor shall have authority over all assistant municipal prosecutors and per diem municipal prosecutors that appear before the Jersey City Municipal Court on behalf of the Office of the Municipal Prosecutor.

C. The Office of the Municipal Prosecutor shall litigate appeals from the Jersey City Municipal Court that are not otherwise in the jurisdiction of any County or State prosecuting office or agency.

D. The Office of the Municipal Prosecutor shall serve as the prosecuting party for the City before the Board of Alcoholic Beverage Control and the Cannabis Control Board.

F. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

G. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.

H. This ordinance shall take effect at the time and in the manner provided by law.

I. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscored and material [~~struck through~~] is omitted

§ 84-49. – Product display and storage; mobile structure prohibited; signage for Class 5 retail

- A. No cannabis items shall be visible from a public sidewalk, street, or right-of-way, or any other public view. All cannabis items shall be stored indoors and on-site.
- B. No cannabis establishment shall be housed in a vehicle or any movable or mobile structure. This probation shall not include vehicles used for delivery services.
- C. Class 5 cannabis retailers must post visible signage within the retail establishment about age requirements and the prohibition of using cannabis on City streets, sidewalks, and parks. Class 5 retailers that are not consumption areas must also post signage that using cannabis within retail facility is prohibited.

§ 84-52. – Municipal support of cannabis establishments and distributors (Classes 1-5).

- A. All applications received by the Commission for the operation of a cannabis establishment and cannabis distributors in Jersey City shall be sent to the Division of Commerce, within the time period set forth by the State, for municipal review. The Division of Commerce shall submit all completed applications to the Cannabis Control Board for the Board’s review and approval. This shall be in addition to the application to the City Division of Planning for necessary approval under Chapter 345.
- B. The Cannabis Control Board shall review all applications to ensure compliance with local rules and regulations governing the operation of cannabis establishments and cannabis distributor and, when the Board deems appropriate, to provide local support of the application in the form of a board resolution.
- C. The fees for this application and review shall be as provided in Chapter 160, Fees and Charges.
- D. An applicant is requested to submit the following documents or information for the Board’s evaluation:
 - 1. Names and residences of all persons financially interested in the business, and the nature and extent of this interest; and, if a corporation, the names, residences and citizenship of the officers, directors and stockholders, and shall disclose whether the applicant has been convicted of any criminal or quasi-criminal offense, and if so, the date and place of such conviction and the nature of the offense;
 - 2. Proof the cannabis establishment or cannabis distributor will be operated pursuant to all local and state regulations;
 - 3. Any necessary approvals by the Jersey City Planning Board, or other related boards;

4. Odor mitigating practices;
5. Safety and security plans and procedures;
6. A description of the proposed location, including the surrounding area and the suitability or advantages of the proposed location, along with a floor plan and optional renderings or architectural or engineering plans;
7. Plans to operate a cannabis consumption area, if applicable;
8. A community impact, social responsibility, and research statement, which shall include, but shall not be limited to the following:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the Jersey City, which shall include an economic impact plan, and a description of outreach activities;
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to Jersey City;
 - c. A written description of any research the applicant has conducted on the adverse effects of the use of cannabis items, substance abuse or addiction, and the applicant's participation in or support of cannabis-related research and educational activities; and
 - d. A written plan describing any research and development regarding the adverse effects of cannabis, and any cannabis-related educational and outreach activities, which the applicant intends to conduct if issued a permit by the Commission, including the applicant's plan to implement or contribute to educational or training programs for individuals formally sentenced for marijuana-related charges to teach those individuals the legal marijuana industry within Jersey City.
9. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment or cannabis distributor; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan;.
10. An attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
11. A business and financial plan;
12. A list of child care providers and substance abuse treatment facilities that are within two hundred (200) feet of a proposed Class 5 cannabis retail location. Distance shall be measured from the main entry door of the proposed Class 5 cannabis retail facility to the

parcel boundary on which the child care provider or substance abuse treatment facility is located. The applicant shall request list of child care providers and substance abuse treatment facilities that are within two hundred (200) feet of the proposed Class 5 cannabis retail location from the Jersey City Department of Health and Human Services (HHS). The request shall be sent via certified and regular mail to HHS. HHS shall provide the list within thirty (30) days. If HHS fails to provide the information within thirty (30) days, the CCB may hear the application as long as proof of mailing to HHS is provided;

13. Any other documents or information the City deems necessary; and

14. The CCB may require a Class 5 retail applicant to address concerns about the proximity of a proposed location to a substance abuse treatment facility or day care provider and the Board may consider the applicant's response to those concerns in its decision.

E. Jersey City encourages and promotes the participation of minority, women, and disabled veteran owned-businesses in the personal use cannabis industry in Jersey City.

F. The Cannabis Control Board shall promptly notify the State if the application complies with all local rules and regulations. The Cannabis Control Board shall also submit proof of local support in the form of a resolution, or, if the Cannabis Control Board does not support the application, the Board shall notify the State and provide its reasoning as to why the Board does not support the application.

§ 160-1. - Fee schedule established.

A. – B. NO CHANGE

C. Chapter 84, Alcoholic Beverages and Cannabis
(1) – (6) NO CHANGE

(7) The application fee for municipal support of cannabis establishments and distributors, as outlined in § 84-52 shall be two thousand five hundred dollars (\$2,500.00).

(8) The annual fee for successful applicants operating cannabis establishments or distributors in Jersey City shall be as follows:

Class 1 Cannabis Cultivator license: five thousand dollars (\$5,000.00)

Class 2 Cannabis Manufacturer license: five thousand dollars (\$5,000.00)

Class 3 Cannabis Wholesaler license: five thousand dollars (\$5,000.00)

Class 4 Cannabis Distributor license: five thousand dollars (\$5,000.00)

Class 5 Cannabis Retailer license: fifteen thousand dollars (\$15,000.00)

Class 6 Cannabis Delivery license: two thousand five hundred dollars (\$2,500.00)

The annual fee for microbusinesses shall be half of the class annual fee.

(9) Annual license fee for cannabis consumption area license shall be twenty-five thousand dollars (\$25,000.00). The annual fee for microbusinesses shall be half of the cannabis consumption license (\$12,500.00).

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY
FOR**

**Approval and Recommendation of Amendments to the Land Development
Ordinance regarding the Establishment of Cannabis Regulations and Fees**

WHEREAS, on April 13, 2021, the Planning Board held a public hearing on Amendments to the Land Development Ordinance regarding Cannabis Establishments (“Amendments”); and

WHEREAS, the Planning Office has submitted proof it complied with all applicable procedural requirements; and

WHEREAS, all testimony having been formally heard for this matter; and

WHEREAS, Matt Ward, P.P., A.I.C.P. Supervising Planner for the City of Jersey City Planning Division testified with respect to the Amendments prepared by the Planning Division at the regular Planning Board meetings on June 8 and 10, 2021; and

WHEREAS, after discussion and consideration of the Amendments as presented, the Planning Board makes the following initial findings of facts:

1. Pursuant to NJSA 40:55D-62, the governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of building and structures thereon.
2. Pursuant to NJSA 40:55D-26, the Planning board shall make a recommendation to the governing body prior to the adoption of a development regulation.
3. Matt Ward, P.P., A.I.C.P. testified and presented the Amendments prepared by the Planning Division on June 8, 2021 and floor amendments prepared by staff after taking public comment for two weeks at the June 22, 2021 meeting, which is made a part of the record herein.
4. City Planning staff recommended a number of floor amendments which were found acceptable by the Board.

WHEREAS, the Amendments and subsequent floor amendments were explained to the public and the public had an opportunity to comment, ask questions and be heard with regard to these issues and provide their input.

WHEREAS, for the submissions made to the Planning Board, the testimony and evidence presented and based upon the entire record, the following further findings of facts and conclusions of law were made:

1. All of the initial findings of facts as set forth in paragraph 1 and 2 and the “WHEREAS” paragraphs are hereby incorporated by reference herein as further findings of facts.

2. The Planning Board has determined that the Amendments are consistent with the City’s Master Plan;

3. The Planning Board has determined that it is in the best interest of the City to adopt this resolution and clearly state that this resolution shall be, and here is, the report of the Planning Board as required by the Municipal Land Use Law, to the City Council containing the Planning Board’s recommendation with the floor amendments regarding the adoption of the Amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Jersey City that, based upon the forgoing findings of facts and conclusions of law, including all testimony and evidence presented at the hearing and based upon the reports submitted to the Planning Board, that it is hereby recommended to the City Council that it adopt Amendments to the Land Development Ordinance regarding the Creation of Cannabis Establishment Regulations and Fees with the floor amendments as set forth herein and that this resolution shall be considered the report of the Planning Board to the City Council.

BE IT FURTHER RESOLVED, that this Resolution will be published within ten (10) days of the date of the adoption of this resolution in the official newspapers of publication of the Planning Board of the City of Jersey City.

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF JERSEY CITY
FOR**

**Approval and Recommendation of Amendments to the Land Development
Ordinance regarding the Establishment of Cannabis Regulations and Fees**


VOTE: 7-0

COMMISSIONER	YES	NO	ABSTAIN	ABSENT
Christopher Langston, Chairman	X			
Dr. Orlando V. Gonzalez, Vice-Chairman	X			
Edwardo Torres	X			
Geoffrey Allen	X			
David Cruz	X			
Council President Joyce Watterman	X			
Dr. Vijaya Desai	X			


Christopher Langston (Jul 12, 2021 15:42 EDT)
 Christopher Langston,
 Chairman
 Jersey City Planning Board

Cameron Black
Cameron Black (Jul 15, 2021 15:48 EDT)
 Cameron Black, Secretary
 Jersey City Planning Board
 Division of City Planning

Approved as to Legal Form:


Santo T. Alampi (Jul 12, 2021 10:14 EDT)
 Santo T. Alampi, Esq.

Date of Meeting: June 8, 2021 and June 22, 2021
 Date of Memorialization: July 6, 2021