

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

File No. Res. 23-387
Agenda No. 10.16
Approved: May 24 2023



A RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY REFERRING AN ORDINANCE AMENDING CHAPTER 84 OF THE MUNICIPAL CODE TO THE PLANNING BOARD PURSUANT TO N.J.S.A. 40:55D-64 AND REQUESTING A REPORT IDENTIFYING RECOMMENDATIONS REGARDING CHANGES TO CHAPTER 345.

COUNCIL offered and moved adoption of the following resolution:

WHEREAS, pursuant to the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization (CREAMM) Act, N.J. Stat. § 24:6I-31, the Municipal Council of the City of Jersey City is considering amendments to Chapter 84 of the Municipal Code, and specifically to the process by which recreational cannabis establishments are licensed and regulated in Jersey City; and

WHEREAS, N.J.S.A. 40:48-2 allows a municipality to make ordinances, rules, regulations, and by-laws, as the municipality deems necessary and proper for the order, good government, and protection of its residents and for the protection of the health, welfare and safety of the municipality and its residents; and

WHEREAS, pursuant to N.J.S.A. 40:55D-1 et seq., the Municipal Council may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon, including uses authorized pursuant to the CREAMM Act; and

WHEREAS, pursuant to these aforementioned statutes, in order to promote the health, safety and welfare of the residents of Jersey City, the Municipal Council is considering alterations to the City's cannabis regulations as codified in Chapter 84 of the Municipal Code, and which may benefit from amendments to Jersey City's zoning regulations in Chapter 345 of the Municipal Code to conform therewith; and


WHEREAS, pursuant to N.J.S.A. 40:55D-64, the Municipal Council hereby refers the attached proposed ordinance to the Planning Board in order to seek the Board's recommendations relative to this proposed policy, and to make recommendations regarding any necessary changes to Chapter 345 of the Municipal Code in connection therewith; and


WHEREAS, pursuant to N.J.S.A. § 40:55D-26, the planning board shall make and transmit to the Municipal Council, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY that the attached ordinance is hereby referred to the Jersey City Planning Board pursuant to N.J.S.A. 40:55D-64 with the expectation that the Planning Board will provide recommendations to the Municipal Council regarding both the ordinance and any changes the Planning Board recommends in connection therewith relating to the sections of Chapter 345 of the Municipal Code that regulate cannabis businesses in a timely fashion in accordance with N.J.S.A. § 40:55D-2 et seq.

A Resolution of the Municipal Council of the City of Jersey City referring an Ordinance amending Chapter 84 Of the Municipal Code to the Planning Board pursuant to N.J.S.A. 40:55d-64 and requesting a report identifying recommendations regarding changes to Chapter 345.

APPROVED AS TO LEGAL FORM


Business Administrator



Corporation Counsel


☐ Certification Required

RECORD OF COUNCIL VOTE – May 24														9-0
	AYE	NAY	N.V.	Absent		AYE	NAY	N.V.	Absent		AYE	NAY	N.V.	Absent
RIDLEY	✓				SALEH	✓				DEGISE	✓			
PRINZ-AREY	✓				SOLOMON	✓				RIVERA	✓			
BOGGIANO	✓				GILMORE	✓				WATTERMAN, PRES	✓			

N.V. –
(Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey.


President of Council


City Clerk

A Resolution of the Municipal Council of the City of Jersey City referring an Ordinance amending Chapter 84 Of the Municipal Code to the Planning Board pursuant to N.J.S.A. 40:55d-64 and requesting a report identifying recommendations regarding changes to Chapter 345.

RESOLUTION FACT SHEET -

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

Project Manager

Maynard Woodson, Director of Licenses		2015475843	MWoodson@jcnj.org
Department	Department of Housing, Economic Development, and Commerce		
Division	Division of Commerce		

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

Meeting	Regular Meeting of Municipal Council - May 24 2023
---------	--

Purpose

Resolution of the Municipal Council of the City of Jersey City Referring an Ordinance Amending Chapter 84 Of the Municipal Code to the Planning Board pursuant to N.J.S.A. 40:55d-64 and Requesting a Report Identifying Recommendations Regarding Changes to Chapter 345 including the CREAMM Act and other cannabis related statues.
--

ATTACHMENTS:

2023-05-12 -- Proposed Revised Cannabis Ordinance

Approved by
Maynard Woodson, Director of Licenses
Annisia Cialone, HEDC Director
John McKinney, Attorney
John Metro, Business Administrator

Status:
Approved - May 12 2023
Approved - May 12 2023
Approved - May 16 2023
Approved - May 17 2023

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 patient pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6 I -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.24:6 I -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 purchase s 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 Regulator y 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 sup plies 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
- 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

B. The following number of licenses are permitted for each class, subject to all applicable state and local regulations:

- a. Class 1 Cannabis Cultivator license: a total of three licenses.
- b. Class 2 Cannabis Manufacturer license: a total of three licenses.
- c. Class 3 Cannabis Wholesaler license: a total of three licenses.
- d. Class 4 Cannabis Distributor license: a total of three licenses.
- e. Class 5 Cannabis Retailer license: a total of forty-eight licenses, with no more than eight issued in each ward of the City, except that licenses issued prior to this chapter taking effect shall not count toward the ward limits or total limits. Should a Class 5 licensee’s location be redistricted into a different ward than when it was issued, the license shall not count against the new ward’s eight license per ward limit.
- f. Class 6 Cannabis Delivery license: a total of forty-eight (48) licenses.

§ 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.

- 1. Creation of board; membership.

a. The Jersey City Cannabis Control Board is hereby established, and shall consist of five (5) persons, three of whom shall be appointed by the Mayor with the advice and consent of Council, one of whom shall be directly appointed by the Mayor, and one of whom shall be directly appointed by the Council President for a term of three years. One of the four initial appointments made by the Mayor shall be for one year, two shall be for two years, and the fourth for three years. All appointments by the Council President shall be for a term of 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.

d. The Cannabis Control Board and the actions thereof are subject to the enabling authority of the State of New Jersey "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Personal Use Act"), N.J.S.A. 24:6I-31 to 24:6I-56, and the "Jake Honig Compassionate Use Medical Cannabis Act," N.J.S.A. 24:6I-1 to 24:6I-30. Where a provision of this section is found to be inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.

2. 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.~~

a. The CCB may, at its discretion, set dates for the submission, acceptance and review of applications, subject to state and local notice requirements.

b. The CCB shall hold a public hearing for each applicant for a cannabis license and shall issue a written opinion in the form of a Board resolution stating whether the application meets the criteria for a recommendation of local support of the application.

c. The Board resolution shall state:

1. whether the application is for an authorized class of cannabis business;

2. whether the approval of the license would exceed any local licensing limits;

3. whether the Board recommends any preference in regards to the license; and

4. whether the applicant has met the City's Local Licensing Requirements as set forth in this Chapter.

d. Upon the issuance of a recommendation, the Board resolution shall be forwarded to the Municipal Council for consideration of its adoption. No application shall be deemed to have received local support prior to the adoption of a resolution by the Municipal Council.

e. The CCB shall provide a written report to the City Council on a quarterly basis, or at any rate no fewer than four (4) times per year, on the status of their work, including but not limited to:

a. The number of applicants and the location(s) of any approved facilities;

- b. The number of employees / qualifying microbusiness identifiers;
- c. The percentage of ownership for each identified owner;
- d. Proof of New Jersey residency;
- e. The owner(s)' gender; and
- f. The owner(s)' race, nationality, or ethnic group.

3. 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.

4. 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 official duties.

5. For any application for a license which contains a cap pursuant to § 84-45(B), the Cannabis Control Board may make a recommendation regarding prioritization of an applicant for a new or renewed license. For applicants where more than 50 percent of the ownership interest is held by one or more persons that fit one of the following criteria, the Board shall make a recommendation regarding prioritization:

a. A “social equity business” as defined in N.J.A.C. § 17:30-6.6;

c. Minority-Owned Businesses;

d. Women-Owned Businesses;

e. Minority- and Women-Owned Businesses;

f. Service-Disabled Veterans;

g. Individuals convicted of a cannabis-related offense prior to the effective date of the legalization of cannabis, or had a parent, guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to the effective date of legalization of cannabis in New Jersey, was convicted of a cannabis-related offense.

~~4. Following the approval by the State of a license for Class 1 through 5 licenses as defined herein, an applicant approved by the State shall apply to the City of Jersey City Cannabis Control Board for final approval. The Cannabis Control Board shall review the approved licensee's application and provide the applicant with a final written approval or rejection of the application within sixty (60) days. No cannabis facility shall commence public operations in the City after State approval prior to final approval by the CCB, payment of all necessary application fees established in this or any other Section, and issuance of all necessary state and local permits and licenses. Factors to be considered by the CCB in issuing its final determination shall include, but not be limited to:~~

~~a. Community impact, outreach, input;~~

~~b. Number of cannabis establishments within close proximity (less than 1,000 feet) to applicant;~~

- ~~c. Hiring practices employed by applicant;~~
- ~~d. Residency of all applicants/owners;~~
- ~~e. Applicant's commitment to Diversity and Inclusion best practices;~~
- ~~f. Safety and security plans; and~~
- ~~g. Any other documents or information the City deems necessary.~~

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

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 recommendation. ~~approval. This~~ The Board's review shall be in addition to the application to the City Division of Planning for necessary approval under Chapter 345 any other applicable local regulations.

B. The Cannabis Control Board shall review all applications to ensure compliance with ~~local rules~~ Local Licensing Requirements and regulations governing the operation of cannabis establishments and cannabis distributors and, when the Board deems appropriate, to provide a recommendation of local support of the application in the form of a Board resolution.

1. Local Licensing Requirements. In addition to any review and recommendation required by the New Jersey Cannabis Regulatory Commission, the City of Jersey City hereby implements the following Local Licensing Requirements.

2. The Board shall review all applicants and consider the following factors when determining whether an applicant meets the Local Licensing Requirements:

- a. Community impact, outreach, input;
- b. Whether the applicant's proposed location serves an area of need in the City;
- c. Hiring practices employed by applicant;
- d. Residency of all applicants/owners;
- e. Applicant's commitment to Diversity and Inclusion best practices;
- f. Safety and security plans;

g. The distance between the main entry door of the applicant's proposed location and any public or nonpublic elementary or secondary school building, which shall be no less than 200 feet; and

g. Any other documents or information the City deems necessary.

3. No cannabis establishment or distributor shall commence public operations in the City prior to receiving a determination of local support that is adopted by the City Council, and no facility may operate without payment of all necessary application fees or license fees established in this or any other Section, and issuance of all necessary state and local permits and licenses.

C. The annual fee for this review shall be as provided in Chapter 160, Fees and Charges.

D. An applicant ~~is requested to~~ must 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. A Zoning Determination Letter confirming the use or class of establishment or distributor is a permitted in the proposed location and any ~~Any~~ necessary applications and/or approvals by the Jersey City ~~Planning~~ Zoning 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. A list of any other Class 5 cannabis Retailers operating within 600 feet of the main entry door of the applicant's proposed location. The applicant shall provide the latitude and longitude of the main entry door of the proposed location and request list of Class 5 Retail cannabis locations operating within 600 feet of the that location from the Jersey City Division of City Planning. The request shall be sent via certified and regular mail to the Division of City Planning, and the Division of City Planning shall provide the list within thirty (30) days. If the Division of City Planning fails to provide the information within thirty (30) days, the CCB may hear the application as long as proof of mailing to the Division of City Planning is provided.

14. A list of all schools within 1,000 feet of the proposed Class 5 Retail cannabis location pursuant to the Drug-Free School Zone map currently in effect pursuant to § 151-1 of the Jersey City Municipal Code.

~~13.~~ 15. Any other documents or information the City, the Cannabis Control Board, or applicant deems necessary; and

~~14.~~ 16. 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, public and nonpublic elementary or secondary school building, or other Class 5 cannabis facilities, and the Board may consider the applicant's response to those concerns in its evaluation of the City's Local Licensing Requirements. ~~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 New Jersey Cannabis Regulatory Commission of the adoption or denial of a governing body resolution. ~~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:

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.~~

a. No cannabis consumption area may be operated within Jersey City without the following:

a. A Class 5 Cannabis Retailer license issued by the State of New Jersey; and

b. Local endorsement of an application for a cannabis consumption area, in the form of a resolution recommending support approved by the Jersey City Cannabis Control Board and adopted by the Jersey City Municipal Council.

b. The City shall notify the State of its endorsement following the Municipal Council's adoption of a recommendation by the Cannabis Control Board.

c. Local endorsements shall be valid for one (1) year and must be renewed annually. An application holding a valid consumption area license may elect to renew the consumption area license at the same time as its Class 5 license.

d. No recommendation of a local endorsement shall be issued by the Cannabis Control Board for a cannabis consumption area that would result in either a total of more than twelve such consumption areas Citywide or for more than two consumption areas in a single ward of the City. Should a consumption area licensee's location be redistricted into a different ward than when it was issued, the license shall not count against the two license per ward limit.

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. Applications for a Cannabis Consumption Area License shall be reviewed by the Cannabis Control Board, which shall make a written recommendation to the Municipal Council stating whether or not the Board recommends providing local support for the Cannabis Consumption Area License application.

b. The annual fee for this license shall be as provided in Chapter 160, Fees and Charges.

c. The Cannabis Control Board may recommend approval of ~~approve~~ a Cannabis Consumption Area License, but the Cannabis Consumption License will not be issued or become effective until the applicant can show proof of State endorsement and compliance with all other local requirements, 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;

a. 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

e. 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:

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 – 11:00 pm ~~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 designated ~~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.