

ORDINANCE NO. 5622

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ELIZABETH CHAPTER 5.26 ENTITLED "CANNABIS ESTABLISHMENTS," SPECIFICALLY TO RESOLVE CONFLICTS WITH STATE REGULATIONS IN THE APPLICATION PROCESS

WHEREAS, the State of New Jersey (the "State") has legalized and regulated the adult use of cannabis use and possession for adults 21 years and older via "The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16, N.J.S.A. 24:6I-31 to 24:6I-56 (the "Act"); and

WHEREAS, on December 28, 2021, the City Council of the City of Elizabeth adopted Ordinance 5581 establishing Chapter 5.26 of the Code of the City of Elizabeth, which sought to regulate cannabis establishments within the City; and

WHEREAS, certain sections of Ordinance 5581 made it difficult for applicants for cannabis establishment licenses to fully comply with both the Ordinance's application requirements and the State's regulations; and

WHEREAS, to promote a successful and efficient cannabis industry in the City, the City Council of the City of Elizabeth wishes to resolve the conflicts between the State's regulations and Ordinance 5581; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. Section 5.26.070 of the Code of the City of Elizabeth entitled "**Initial Cannabis Business License Application - Requirements**" is hereby amended to read as follows:

All initial applications for a cannabis business license pursuant to this chapter shall be in writing upon forms available from the Chief License Inspector and shall include the following information:

- A. A statement indicating which class of license is sought.
- B. A statement indicating whether the business is a microbusiness.
- C. The names and addresses of all persons and entities with a financial interest in the business, and the nature and extent of that interest. If an entity, the names and addresses of the officers, directors, and stockholders.
- D. A statement as to whether the applicant has been previously convicted of a crime, and if so, the date and place of such conviction, the nature of the offense, and the penalty imposed.
- E. A waiver allowing a criminal background check.
- F. A description of the proposed location for the cannabis establishment, along with a floor plan and all architectural and engineering plans.
- G. Evidence of site control for the proposed location of the cannabis establishment. Where applicant is not the property owner of the proposed location for the cannabis establishment, a written statement from the property owner consenting to the application shall be required.
- H. A plan setting forth all odor mitigating practices for the proposed location of the cannabis establishment.

PRESENTED TO THE MAYOR FOR
APPROVAL OR DISAPPROVAL ON
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CITY CLERK

- I. All safety and security plans and procedures for the proposed location of the cannabis establishment.
- J. A private waste disposal plan for the proposed location of the cannabis establishment.
- K. A community impact, social responsibility, and research statement, which shall include, but shall not be limited to the following:
 - i. A community impact plan summarizing how the applicant intends to have a positive impact on the City of Elizabeth, which shall include an economic impact plan, and a description of outreach activities; and
 - ii. A written description of the applicant's record of social responsibility, philanthropy, and ties to the City.
- L. A workforce development and job creation plan, which may include information on the job creation and planned job creation at the proposed cannabis establishment or cannabis distributor; re-entry hiring; education, training and resources to be made available for employees; any relevant certifications and a diversity plan.
- M. Name and contact information for the person responsible for nuisance complaints on the proposed location of the cannabis establishment.
- N. Name and contact information for the person to be contacted by local police, fire, or EMS personnel in the event of an on-site emergency.
- O. A copy of all Management Services Agreements.
- P. A copy of approvals made by the Elizabeth Planning Board, Zoning Board of Adjustment, or other any other boards, if required.

SECTION 2. Section 5.26.110 of the Code of the City of Elizabeth entitled “**Initial Cannabis Business License Application – Resolution of Support**” is hereby amended to read as follows:

The Chief License Inspector shall request a resolution from the City Council of the City of Elizabeth in support of an applicant's State of New Jersey cannabis license application where:

- A. The applicant has requested such a resolution of support in writing;
- B. The applicant has provided all information required by Section 5.26.070;
- C. The applicant has paid all fees required by Section 5.26.080;
- D. The application has been investigated by the individuals named in Section 5.26.090; and
- E. There exists no basis for the denial of the application pursuant to Section 5.26.100.

SECTION 3. Section 5.26.115 of the Code of the City of Elizabeth entitled “**Copies of State Cannabis License Application – Continuing Obligation**” is hereby established and shall read as follows:

An applicant shall provide to the Chief License Inspector a copy of the applicant's cannabis license application to the State of New Jersey within (30) days of making such application.

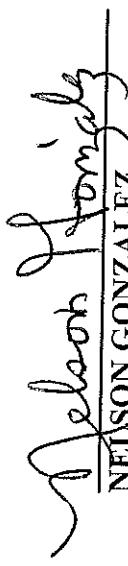
All applicants and licensees under this Chapter shall provide to the Chief License Inspector copies of all cannabis license applications and any amendments thereto made to the State of New Jersey within (30) days of making such application. This shall be a continuing obligation upon all applicants and licensees and shall include all new applications and amendments made to existing applications.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 5. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 6. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

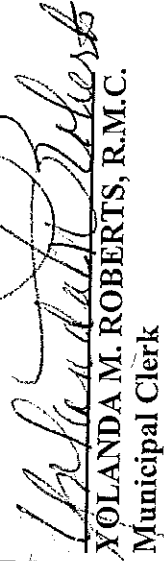
PASSED: 3/22/22


NELSON GONZALEZ
President of City Council

APPROVED: 3/23/22


J. CHRISTIAN BOLLWAGE
Mayor

ATTEST:


YOLANDA M. ROBERTS, R.M.C.
Municipal Clerk