

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 5 "BUSINESS LICENSES AND REGULATIONS"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 5, "Business Licenses and Regulations" is hereby amended to **ADD** a new chapter "Chapter 5.09, entitled **"CANNABIS LICENSING AND REGULATION"**.

SECTION II

Title 5, Chapter 5.09, Section 5.09.010, **"Creation and Enabling"** is hereby **ADDED** to read as follows:

The City of New Brunswick hereby opts-in to allow for legal cannabis establishments of all six (6) license classes enabled by the State of New Jersey. No person or entity shall operate a cannabis related business within the City in any of the license areas without having obtained a license in accordance with P.L. 2021, c. 16 New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and the provisions of this chapter.

SECTION III

Title 5, Chapter 5.09, Section 5.09.020, **"Consumption"** is hereby **ADDED** to read as follows:

- A. It shall be prohibited to have on-premises consumption of cannabis, in any of its forms, at a licensed cannabis establishment. Any establishment seeking an endorsement for on-premises consumption shall be denied. This includes all outdoor areas on the property.
- B. There shall be a prohibition on the consumption of cannabis, in any of its forms, in or outside of any non-residential property.
- C. Cannabis consumption on residential property shall be at the discretion of the owner or management of said property.
- D. Cannabis consumption in any public place, as defined in P.L. 2021, c 16, is prohibited.

SECTION IV

Title 5, Chapter 5.09, Section 5.09.030, **"License Class Types"** is hereby **ADDED** to read as follows:

| License Class |
|--------------------------|
| Class 1 -- Cultivation |
| Class 2 -- Manufacturing |
| Class 3 -- Wholesaling |
| Class 4 -- Distribution |
| Class 5 -- Retail |
| Class 6 -- Delivery |

SECTION V

Title 5, Chapter 5.09, Section 5.09.040, **"Number and Location of Permits"** is hereby **ADDED** to read as follows:

The following shall be the City's distribution of cannabis licenses. The table shall reflect the zone (per Title 17) in which the license classes are permitted as well as the number of permits allowed in each zone.

| Zone | Permitted Classes | Number of Total Aggregate Licenses |
|-------------|--------------------------|---|
| CAN-RD | Class 5 | 2 |
| CAN-RE | Class 5 | 2 |
| CAN-C/M/D | Class 1,2,3,4 and 6 | 4 |

SECTION VI

Title 5, Chapter 5.09, Section 5.09.045, **"Local Requirements and Pre-Approval"** is hereby **ADDED** to read as follows:

- A. Within sixty (60) days of the passage of this ordinance, the City will issue a Request for Proposals (RFP) for applicants seeking licensing pre-approval to submit license applications to the State of New Jersey. The scoring shall be on a scale of zero (0) to one hundred (100) as set forth in the criteria established by the City. The highest scoring applicants shall be pre-approved for licensure and may apply to the State of New Jersey for a license. Any applicant that receives scoring less than eighty (80) points out of one hundred (100) shall not be approved.
- B. After the above RFP process is complete should a license become inactive or available, any applicant may apply for pre-approval from the City as provided for herein. However, such application shall be considered based upon the date of submission.
 - 1. The fee for review of the above application shall be Five Hundred Dollars (\$500.00)
- C. Licensing shall be issued by the City Clerk pursuant to the provisions of this chapter.

SECTION VII

Title 5, Chapter 5.09, Section 5.09.050, "**Hours of Operation**" is hereby **ADDED** to read as follows:

- A. Retail cannabis establishments shall be permitted to operate between the hours of 10:00 a.m. and Midnight, except:
 - 1. Any such establishment located closer than two hundred (200) feet from a residential zone (all zones designated with an "R-") shall only operate between the hours of 10:00 a.m. and 10:00 p.m.
- B. Cultivation, Manufacturing, Distribution, Wholesaling, and Delivery establishments shall be permitted to operate twenty-four (24) hours per day, except:
 - 1. Any such establishment located closer than two hundred (200) feet from a residential zone (all zones designated with an "R-") shall only operate between the hours of 7:00 a.m. and 8:00 p.m.
- C. A violation of this section shall be Five Hundred Dollars (\$500.00) per offense. Each and every day shall constitute a separate violation and offense.

SECTION VIII

Title 5, Chapter 5.09, Section 5.09.060, "**Security Services – Registration Required**" is hereby **ADDED** to read as follows:

- A. No person is employed by any licensee to perform any security services at the licensed premises unless such person has registered with the City Clerk as required by subsection (B) of this section. Any person so employed to provide security must meet the same qualifications as required to provide such services on the premises of a liquor licensed establishment.

"Security services" as used herein means, but in no manner is limited to, (1) any employee of a uniformed security service employed at the licensed premises, whether or not required to be hired by resolution of city council, local or state law or regulation or a court of competent jurisdiction; or (2) any person employed by the licensee to perform services involving age verification of prospective patrons or the maintaining of order.

- B. Every person who contracts to perform or is employed to perform security services shall, prior to commencing such services, register with the City Clerk.

Registration consists of (1) completing a registration form providing the full name, date and place of birth and local and permanent address; (2) furnishing the clerk with a passport photo 2 ½ × 3 ½; and (3) a one-time registration fee of Ten Dollars (\$10.00).

- C. Any violation of this section subjects the violator to a penalty of One Hundred Dollars (\$100.00) per violation. A third violation of this section also subjects the violator to forfeiture of the right to register and to perform security services as provided for in this chapter.

SECTION IX

SEVERABILITY:

If any section, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION X

REPEALER:

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

SECTION XI

EFFECTIVE DATE:

This Ordinance shall become effective 20 days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: June 16, 2021


COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED:

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF , 2021.

MAYOR

APPROVALS:


CITY ADMINISTRATOR


CITY ATTORNEY

TKS/kc

| COUNCIL MEMBER | Y | N | SV | AB | COUNCIL MEMBER | Y | N | SV | AB |
|----------------|---|---|----|----|------------------------|---|---|----|----|
| ANDERSON | | | | | ISCOBEAR, VP | | | | |
| EGAN, S | | | | | SECOR, ALD. DWIG. POS. | | | | |
| FLEMING | | | | | | | | | |

FIRST READING VOTE ON JUNE 16, 2021 M= MOVED S= SECOND NV= NO VOTE AB= ABSENT