



# JERSEY CITY

DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT & COMMERCE  
DIVISION OF CITY PLANNING  
DIVISION OF COMMERCE

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## CANNABIS BUSINESSES AND CONSUMPTION AREAS FAQ, INSTRUCTIONS, AND STANDARDS (03/07/2024)

Thank you for expressing interest in seeking to open a cannabis establishment or distributor in Jersey City. In this document, City staff seeks to provide you with information on how to seek and obtain local approvals while we all learn and respond to the legal framework under development at the State-level by the Cannabis Review Commission.

First, are a list of frequently asked questions and answers with information and links about our local process. Following the FAQ are the standards and fees regarding Cannabis Businesses and Consumption Areas that were adopted by the City in August 2021 and January 2022.

In the event that there are any inconsistencies between provisions of the State and local procedures detailed herein, please inform us. This industry in New Jersey is new and we are all learning as we proceed. That said, this document and our local procedures may change as necessary.

### FAQ - FREQUENTLY ASKED QUESTIONS

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## 1. How to obtain local approval?

Local approval will require two applications and a local support resolution by the Governing Body. First, an application to the Cannabis Control Board (“CCB”) is required. The CCB is administered by Division of Commerce. After CCB approval is received, an application the Division of City Planning is required for Licenses 1 to 5. An entity seeking a Class 6 license does not have to make an application to the Division of City Planning but it must submit an application to the Cannabis Control Board and seek a Zoning Determination letter from the Division of Zoning. Following a favorable approval by the Planning board the Division of Commerce will initiate a resolution of support to be sent to the Municipal Council. After gaining local support, proof of State License approval is required to pull permits with the Division of Zoning and the Construction Code Official.

## 2. When to file an application?

The Cannabis Control Board is now accepting applications (“CCB App”) for Class 1 to 6 Licenses.

Division of City Planning is currently accepting applications (“GDA”) for conditional use applications related to cannabis establishments and distributors. Any application made to City Planning without approval by CCB and a Local Support Resolution will be deemed incomplete starting immediately.

## 3. What are the standards for cannabis establishments and distributors?

The City of Jersey City adopted standards and regulations regarding Cannabis Establishments and Distributors in August 2021 under ordinance 21-053 and in January 2022 under ordinance 22-003. Those [standards can be viewed here](#).

## 4. Where are cannabis retailers (Class 5) permitted?

Cannabis retailers shall be located wholly or partially within one or more of the following zoning districts Neighborhood Commercial 1 (NC-1), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Neighborhood Commercial 2 (NC-2), Neighborhood Commercial 3 (NC-3), Port Industrial (PI), and Industrial (I). A copy of the [official Zoning Map can be downloaded here](#) or you can access the [Interactive Zoning Map here](#). Staff has also prepared a [Cannabis Retailer Reference Map](#) to see where Class 5 licenses are permitted. Microbusiness are subject to separation distances. Information regarding which licenses are subject to these distances can be found in the links below:

- [\(§ 345-60.5.- 4.C.2.a\) Class 5 Microbusiness](#)
- [\(§ 345-60.5.- 4.D.2.a\) Class 5, which do not classify as a Microbusiness](#)

## 5. Where are cannabis establishments and distributors, aka Class 1 to 4 licenses, permitted?

Cannabis Establishments and Distributors subject to a Class 1, 2, 3 or 4 licenses (inclusive of microbusinesses) shall be permitted conditional uses, in all industrial zones, light industrial zones or industrial overlays as well as the Highway Commercial Zone (HC) along Tonnele Avenue. Additionally, Establishments and Distributors subject to Class 1, 2, 3 or 4 licenses are permitted as conditional uses in the Commercial/Automotive (C/A) zone if they are also certified as a microbusiness. A copy of the [official Zoning Map can be downloaded here](#) or you can

access the [Interactive Zoning Map here](#). To access Redevelopment Plans visit the [Jersey City Open Data Portal](#) and search for the plan by name.

## **6. How to file an application to the Division of City Planning?**

If you are seeking a Class 1 to 5 license, your second step is to submit an application to City Planning. Applications are submitted through the [Jersey City Online Permitting & Licensing Portal](#) (the “Portal”) – Site Plan application. In addition to the portal, a copy of the [General Development Application](#) can be downloaded from the City Planning webpage, as well as [application instructions](#), and more information and forms (scroll to bottom of page) are available at their [webpage](#).

There is not a special application form just for cannabis applications.

## **7. How to file an application to the Cannabis Control Board?**

Your first step is to submit an application to the Division of Commerce which administers the Cannabis Control board. The Cannabis Control Board is continuing the imposition of the moratorium on accepting applications for Class 5 Cannabis retailer licenses amending resolution Res. 23-853. More information about the moratorium can be found here: [Res.24-109](#). A copy of the [CCB application can be downloaded here](#). Applications are submitted through the [Jersey City Online Permitting & Licensing Portal](#) (the “Portal”).

## **8. What items are required for submission to the Division of City Planning?**

A list of the items required for a submission to the Division of City Planning may depend on the scope of your application. Some applications may be limited to signage and internal fit-out while other applications may be new construction. A copy of City Planning’s [General Development Application can be found here](#) and please review our completeness checklist [here](#). Some items on the completeness checklist may not be applicable; however, there are several specific items needed regarding Cannabis retailer and distributor applications. Submittal requirements are grouped into 4 sections. You can access submittal requirements for each class by clicking the corresponding links below:

- [\(§ 345-60.5.- 4.A.7\) Class 1-4 licenses \(Inclusive of microbusiness\).](#)
- [\(§ 345-60.5.- 4.B.8\) Class 1-4 licenses & Certified as a microbusiness.](#)
- [\(§ 345-60.5. - 4.C.5\) Microbusiness subject to Class 5.](#)
- [\(§ 345-60.5. - 4.D.5\) Class 5 license, which do not classify as a microbusiness](#)

## **9. What items are required for submission to the Cannabis Control Board?**

The Cannabis Control Board application includes a checklist of the required items to be submitted.

## **10. How long will local approval take?**

Local approval for most cannabis businesses will require two applications – an application to a Jersey City land use board and the Cannabis Control Board. The Planning Board holds two meetings per month. The Cannabis Control Board have monthly meetings. The ability for staff to review your application in a timely manner depends on your ability to submit a complete application.

## 11. Where are Cannabis Consumption Areas permitted?

Class 5 retailer licenses are a prerequisite and associated with proposed Cannabis Consumption Areas. More information about the types of class 5 retailers can be found below:

- [\(§ 345-60.5. - 4.C.5\) Microbusiness subject to Class 5.](#)
- [\(§ 345-60.5. - 4.D.5\) Class 5 license, which do not classify as a microbusiness](#)

Information specifically regarding Cannabis Consumption Areas and their requirements can be found at:

- [\(§ 345-60.5. - 4.E.1\) Standards and Endorsement Requirement for Cannabis Consumption Areas.](#)

## 12. How to file an application for a Cannabis Consumption Area?

Please refer back to answers to 6 & 7.

## 13. Where can I find information about State regulations?

State regulations can be found at: <https://www.nj.gov/cannabis/>

## 14. How many licenses are permitted in Jersey City?

There is no cap to the maximum number of licenses permitted in Jersey City. Instead, Jersey City is regulating the location and proximity of Cannabis Establishments and Distributors through zoning. Class 1 to 4 licenses are limited to certain zones. Class 5 licenses are limited to certain zones and in addition are typically 600 feet from one another. Other distance restrictions apply. For example, the main entry of a cannabis retailer cannot be located within [200 feet \(§ 345-60.5. – 4.C.2.a\)](#) of a school as recorded on this [map](#). To see where retailers may be permitted download the [Cannabis Retailer Reference Map](#).

## 15. What benefit is there to being a microbusiness?

The benefit to being a microbusiness in Jersey City is that our local zoning is more permissible toward microbusinesses. Standards regarding microbusinesses was done to promote equity and local entrepreneurship in the Cannabis industry. For a Class 5 Cannabis Retailer license holder that is also a microbusiness, the separation distances are loosened. In certain areas of the city, two microbusinesses are permitted per block. Other restrictions apply.

A microbusiness is defined in the [State law](#) and must be certified by the State commission. A microbusiness is an entity where 100% of ownership must be held by a current resident of New Jersey for two consecutive years, as well as 51% of the owners, directors, officers, or employees shall be residents of the municipality the business operates in. In addition, a Microbusiness cannot employ more than 10 employees and have a premise no larger than 2,500 square feet. Check state law for exact definition and criteria.

## 16. What is the local process for a Class 6 license – Cannabis Delivery?

An entity seeking a Class 6 license does not have to make an application to the Division of City Planning but it must make an application to the Cannabis Control Board. An entity seeking a Class 6 license should also get a favorable Zoning Determination letter from the Division of Zoning. The Division of Zoning will determine how to categorize the Cannabis Delivery operation at the proposed location. For example, some entities could be just an office for a mobile platform company that does not own a fleet. While another delivery service may have a fleet of vehicles may have to store vehicles. The former is akin to an office use and the second is more like an industrial use. So, these two different examples could be viewed as two different uses even though they are both Cannabis Delivery operations. In other, Class 6 license holders will be categorized as necessary into existing land use classifications.

#### **17. How to request locations of cannabis retailers?**

Please reach out to the Division of City Planning staff listed under question 19. Staff will provide a list upon request. The list will be updated upon confirmation from the State that a Cannabis Retailer Class 5 license was approved.

#### **18. What are the fees associated with the local applications?**

The fees associated with local applications are as follows:

- Conditional Use Application to City Planning is \$2,500
- An escrow deposit of \$2,500 is required to the Division of Commerce
- Licensure fees for Cannabis Control Board are listed in section [§ 160-1](#) below. A certified microbusiness shall receive a reduction of half the license fees

#### **19. Who to contact for more information?**

Regarding applications and questions for the Division of City Planning you may contact Francisco Espinoza, Senior Planner or Matt Ward, Supervising Planner at 201-547-5010. You may also email them at [fespinoza@cnj.org](mailto:fespinoza@cnj.org) or [mward@cnj.org](mailto:mward@cnj.org).

Regarding application and questions for the Cannabis Control Board, you may contact the Director of the Division of Commerce, Maynard Woodson or Marquiea Starks at 201-547-5139. You may also email them at [MWoodson@cnj.org](mailto:MWoodson@cnj.org), [mstarks@cnj.org](mailto:mstarks@cnj.org), or [CannabisControlBoard@cnj.org](mailto:CannabisControlBoard@cnj.org)

## JERSEY CITY – STANDARDS, TAXES AND FEES

*The standards and fees below are excerpts of the municipal code related to Cannabis. These changes will soon be reflected in our municipal ordinance hosted online [here](#). Please see this [ordinance 21-053](#) and [ordinance 22-084](#) regarding these standards or read below. The version contained herein is for ease of reference. Citations may change in version codified by City Clerk.*

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*Chapter 84 (Alcoholic Beverages) is hereby amended in part 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:
- 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

**§ 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 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.
- 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. 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 beneficial owner, and if applicable intermediary owners, as well as LLC members, partners, public or non-public shareholders displayed in an ownership structure chart;
  - d. Proof of New Jersey residency;
  - e. The owner(s)' gender; and
  - f. The owner(s)' race, nationality, or ethnic group.
- 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.
- D. 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).**

- 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 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:
    - 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. Odor mitigating practices;
    - 3. 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;
    - 4. All relevant land use approvals, including approved site plans;
    - 5. A copy of the Class 5 Cannabis Retailer license associated with the proposed consumption area;
    - 6. Safety and security plans and procedures; and
    - 7. 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:
    - 1. 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;
- 2. 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
- 3. 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.
  - 5.

#### **§ 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.

*Chapter 160 (Fees and Charges) is hereby amended in part 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.

*CHAPTER 304 (Taxation) is hereby amended in part 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.**

- (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.24:61-46). 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 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.

*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.

<b>Fee Table I</b>	
<b>Application Type</b> <b>Planning Board and Board of Adjustment Applications</b>	<b>Application Fees Non-Refundable</b>
Conditional Use – Cannabis Establishments	\$2,500.00
Conditional Use– All others	\$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 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.
  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 all industrial zones, light industrial zones or industrial overlays, Commercial/Automotive (C/A) zone, Highway Commercial Zones (HC), as well as any structure in all zone districts and redevelopments plans which industrial, light industrial, warehouse, auto repair garage, or auto body shop is deemed as a pre-existing use.**

- 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), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Neighborhood Commercial 2 (NC-2), Neighborhood Commercial 3 (NC-3), Port Industrial (PI), and Industrial (I).
  - 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), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Neighborhood Commercial 2 (NC-2), Neighborhood Commercial 3 (NC-3), Port Industrial (PI), and Industrial (I).
  - 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.L. 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.