

**CITY OF NORTHFIELD, NJ
ORDINANCE NO. 7-2021**

**AN ORDINANCE BY THE CITY OF NORTHFIELD IN THE COUNTY
OF ATLANTIC, NEW JERSEY PERMITTING THE OPERATION OF
CERTAIN CLASSES OF CANNABIS BUSINESSES WITHIN ITS
GEOGRAPHICAL BOUNDARIES**

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

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

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

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

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WHEREAS, Section 3 of the Act defines a “cannabis establishment” as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”; and

WHEREAS, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of: (1) cannabis establishments; (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

WHEREAS, the Common Council of the City of Northfield has determined that, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the City of Northfield’s residents and members of the public who visit, travel, or conduct business in the City of Northfield, to amend the City of Northfield’s regulations to permit Certain classes of cannabis/marijuana-related businesses within the geographic boundaries of the City of Northfield.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Northfield in the County of Atlantic and State of New Jersey, as follows (added text underlined and omitted text ~~stricken~~):

SECTION 1. Chapter 215, Article II, Section 215-5 of the City of Northfield Code is hereby amended to read as follows:

§215-5 Terms Defined.

For purposes of this Chapter, the following definitions shall apply:

“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. 2016, c. 16 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 marihuana 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.

“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.

“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.

“Cannabis establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“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.

“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.

“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.

SECTION 2. Chapter 215, Article XI, Section 215-158 of the City of Northfield Code is hereby amended as follows:

§215-158A(26) – Certain Cannabis establishments, distributors and delivery services permitted.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), the following marketplace classes of licensed businesses are permitted:

- a. Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees.
- b. Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another.
- c. Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers but not to be consumed on premises. Hours of operation shall be limited to 10a.m. to 10p.m.
- d. Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

SECTION 3. Chapter 250, Article III, Sections 250-9 – 250-16 of the City of Northfield Code are hereby amended as follows:

§ 250-9 Findings.

A. – C. – No Change.

D. The City of Northfield has determined that the public health of the residents and visitors of the City of Northfield will be promoted by eliminating the exposure of its citizens to airborne tobacco smoke and smoking related refuse within the Birch Grove Park area, which includes the Athletic Field areas, the Northfield Bike Path, the Veterans Park and the First Street Playground.

E. – No Change.

§ 250-10 Purpose.

The Council of the City of Northfield determines that the purpose of this article is to:

A. Protect and promote the public health and welfare of its community by completely prohibiting smoking within the Birch Grove Park area, which includes the Athletic Field areas, the Northfield Bike Path, the Veterans Park and in the First Street Playground.

B. Control the litter of smoke-related refuse within the Birch Grove Park area, which includes the Athletic Field areas, the Northfield Bike Path, the Veterans Park and in the First Street Playground.

§ 250-11 Statutory authority. – No Change.

§ 250-12 Definitions.

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

Add:

NORTHFIELD BIKE PATH

The Municipal Park Recreation Area also known as "Northfield Bike Path" located in the City of Northfield.

§ 250-13 - Smoking prohibited in all areas.

Smoking and vaping of of all types and of any substance including but not limited tobacco and cannabis shall be prohibited in all areas of: (i) Birch Grove Park, which is located in the City of Northfield, ~~with the exception of campsite locations~~ and includes the Athletic Field areas, (ii) the Northfield Bike Path, the Veterans Park and in the First Street Playground located in the City of Northfield.

§ 250-14 Posting of signs.

There shall be posted in all areas where smoking is prohibited~~Birch Grove Park~~ conspicuous signs clearly stating that smoking is prohibited within all areas either by a sign indicating "No Smoking" or by the international "No Smoking" symbol.

A. – No Change.

B. Conspicuous signs shall be placed on the Northfield Bike Path and at the entrances to Birch Grove Park, the playground area, Veteran’s Park and athletic fields.

§ 250-15 – No Change.

§ 250-16 – No Change.

SECTION 4. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 5. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 6. This ordinance shall take effect upon final passage and publication in accordance with law.

Mary Canesi, RMC, Municipal Clerk

Erland V.L. Chau, Mayor

The above Ordinance was passed on first reading at a Regular meeting of the Council of the City of Northfield, New Jersey on the 15th day of June, 2021 and will be taken up for a second reading, public hearing and final passage at a meeting of said council held on the 13th day of July, 2021, in Council Chambers, City Hall, Northfield, New Jersey.

Pursuant to subsection 17a of NJSA 40:55D-26, a copy of this Ordinance shall be referred to the Planning Board prior to the hearing on the final adoption of the Ordinance.

First Reading:	June 15, 2021
Referral to Planning Board:	June 16, 2021
Publication:	June 19, 2021
Second Reading / Public Hearing:	August 10, 2021
Publication:	July 17, 2021