


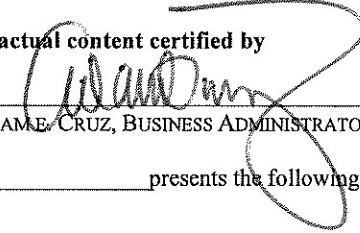
# ORDINANCE

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Public Hearing OCT 19 2023  
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Approved as to Form and Legality  
  
WESLEY BRIDGES, ESQ., CITY ATTORNEY

Factual content certified by  
  
ADAME CRUZ, BUSINESS ADMINISTRATOR

Councilman /woman \_\_\_\_\_ presents the following Ordinance:

## AN ORDINANCE AMENDING CHAPTER 146 OF THE CODE OF THE CITY OF TRENTON AND SUPPLEMENTING VARIOUS REDEVELOPMENT PLANS, AND THE LAND DEVELOPMENT ORDINANCE TO PERMIT CANNABIS USES

WHEREAS, the City of Trenton (“City”) is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A 40:69A-31, et seq., with its organization, positions, powers, and duties outlined within the Code of the City of Trenton as set forth pursuant to the Faulkner Act; and

WHEREAS, the City endorsed the expansion of medical cannabis in the State of New Jersey so as to provide needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit therefrom; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-2, et seq. (“CUMMA”), which permits the authorized medical use of cannabis, was amended on July 2, 2019, further clarifying the City’s ability to control the proposed location of medical cannabis dispensaries, cultivation centers and manufacturing facilities, and permitting the City to impose a transfer tax at a uniform percentage rate not to exceed 2% on the purchase price of any medical cannabis dispensed by a medical cannabis dispensary located in the City; and

WHEREAS, in 2020 the voters of the State of New Jersey approved Public Question No. 1, which endorsed the legalization of recreational cannabis for adults 21 years of age or older; and

WHEREAS, the voters of the City of Trenton approved Public Question No. 1, overwhelmingly at a rate of 80.68%; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (P.L. 2021, c. 16) (“NJCREAMMA”), 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, NJCREAMMA establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

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- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- 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;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- 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 purchase 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.

**WHEREAS**, Section 31a of NJCREAMMA authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, NJCREAMMA strengthened municipal control over such uses and allows, at the discretion of the municipality, a tax to be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales cannabis items by a cannabis retailer to retail consumers, with each municipality setting its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer; and

**WHEREAS**, the City supports safe and appropriate siting of cannabis related and supporting businesses within the City, including medical and adult use cannabis dispensaries, cultivation centers, manufacturing facilities; and

**WHEREAS**, since that time the city has experienced the impacts of the conditional licensing process, as well as feedback from the market in general, and feels it is appropriate to review and amend the ordinance in order to gain more transparency and predictability; and

**WHEREAS**, previous versions of this ordinance misnumbered the codified sections, and this version ensures the correct numbering system.

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NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Trenton, County of Mercer that the Code of the City of Trenton be amended as follows (deletions are ~~struck through~~ and additions are underlined):

## Section 1. Amend Chapter 146 Licensing

### ARTICLE IX Cannabis Businesses

#### §146-44 Purpose

The regulations of this Ordinance 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, including the Cannabis Regulatory Commission. If any provision of this Ordinance is inconsistent with state statutes and/or regulations, the state statutes and/or regulations shall prevail.

The purpose of this article is to enable the City of Trenton to take effective action to assure that all cannabis-related business advance the requirements of their licensure as regulated by the State of NJ, by ensuring the citizens of the City of Trenton are provided ample opportunity to participate within this new industry while advancing community development initiatives, including but not limited to public health, job training, enhanced recreational opportunities, drug prevention education, and social justice related programming and/or support thereof.

#### §146-45 Definitions

##### ACADEMIC MEDICAL CENTER

An entity located in New Jersey that, on the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), has an addiction medicine faculty practice or is in the same health care system as another facility located in New Jersey that offers outpatient medical detoxification services or inpatient treatment services for substance use disorder; has a pain management faculty practice or a facility-based pain management service located in New Jersey; has graduate medical training programs accredited, or pending accreditation, by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association in primary care and medical specialties; is the principal teaching affiliate of a medical school based in the State; and has the ability to conduct research related to medical cannabis. If the entity is part of a system of health care facilities, the entity shall not qualify as an academic medical center unless the health care system is principally located within the State.

##### ACT

**Collectively refers to NJCUMA and NJ CREAMMA.**

##### NJ CUMA

The New Jersey Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (approved January 18, 2010), amended by P.L. 2019, c. 153 (approved July 2, 2019), codified at N.J.S.A. 24:6I-1 et seq.

##### NJ CREAMMA

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The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16); legalizes personal use cannabis for certain adults, subject to State regulation; decriminalizes small amount marijuana and hashish possession; removes marijuana as Schedule I drug.

## **CANNABIS CULTIVATION CENTER or CULTIVATION CENTER (Class 1 License)**

A building, structure, or premises used for the cultivation or storage of cannabis. Includes the planting, propagating, cultivation, growing, harvesting, labeling or manufacturing, compounding and storing of cannabis for the limited purpose of this chapter. A cultivation center may be physically separate and off-site from the associated licensee's cannabis dispensary. When connected to, or part of, the same property by which an ATC dispenses from, it is considered part of the ATC or Dispensary.

## **CANNABIS DISPENSARY or RETAILER (Class 5 License)**

A retail facility that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provides cannabis to person 21 years and older. While it may administer medical cannabis to qualifying patients, it is open to Adult Use.

## **CANNABIS MANUFACTURING FACILITY OR MANUFACTURING FACILITY (Class 2 License)**

Facility involved with compounding, making, and processing of medical cannabis in all forms including those that involve food handling.

## **ALTERNATIVE TREATMENT CENTER (ATC) or MEDICAL DISPENSARY CANNABIS ~~ALTERNATIVE TREATMENT CENTER~~**

~~An organization~~ A dispensary authorized through licensure issued by the NJ State Department of Health and the Board of Medical Examiners to perform activities necessary to provide registered qualifying patients with usable cannabis and related paraphernalia in accordance with the provisions of the CUMA. Cultivation and manufacturing, unless within the same structure or property as a the dispensary, shall be treated as a separate zoning use category though it may be part of the license issued by the state for a single entity. No Adult Use cannabis business-related activities may take place within an ATC Dispensary unless granted a Resolution of Local Support endorsement by City Council to do so and appropriately zoned as deemed by the ~~a Zoning Permit by the City's Zoning Official~~ as an Expanded ATC.

## **CANNABIS**

The definition given to 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 for use in cannabis products as set forth in the NJCREMMA, 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, 47 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,

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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.) as long as said hemp does not contain more than the State and/or Federal allowable limits of Delta-8-Tetrahydrocannabinol or Delta-9-Tetrahydrocannabinol, the compound commonly known as THC

## REGULATED CANNABIS ITEM(S)

Any cannabis item(s) as regulated and defined by the New Jersey Cannabis Regulatory Commission, bought, sold and used in accordance with state and local laws and regulations, including but not limited to, medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act (the “Medical Act”), P.L.2009, c.307, N.J.S.A. 24:6I-2, et seq., and cannabis dispensed to adults twenty-one (21) years of age or older, pursuant to the New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act (the “Adult Use Act”), P.L.2021, c.16, N.J.S.A. 24:6I-31, et seq.

## UNREGULATED CANNABIS ITEM(S)

Any cannabis item(s), including any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin as further defined in P.L.2021, c.16; hashish; and marijuana/marihuana, which is not regulated by the New Jersey Cannabis Regulatory Commission.

## CANNABIDIOL (CBD) RELATED PRODUCTS

A psychoactive non-intoxicating compound derived from a cannabis or hemp plant known to have many potential therapeutic benefits, including anti-inflammatory, analgesic, anti-anxiety, and seizure-suppressant properties, containing less than 0.3% Delta 9 Tetrahydrocannabinol and less than 0.1% delta 8 Tetrahydrocannabinol (THC). THC as applied to this definition includes both Delta 8 and Delta 9 limitations. Products include:

*Flower:* Combusting or vaporizing CBD weed allows users to feel the potential therapeutic effects of CBD almost immediately.

*Isolate:* CBD isolate is cannabidiol in its purest form: a fine white powder. This crystalline form of CBD is versatile and allows users to measure precise doses.

*Concentrates:* CBD can also be purchased in concentrate form, including raw CBD oil, cartridges, vape pens, syringes, and more. Concentrates bridge the gap between CBD flower and CBD isolate.

*Infusions:* Readily usable products infused with CBD, including edibles, elixirs, sublingual sprays, and topicals.

Manipulated hemp derived CBD is not permitted to be sold with synthetic additives or concentrated doses of Tetrahydrocannabinol or any regulated components of the plant.

## **CANNABIS BUSINESS or ESTABLISHMENT**

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An organization issued a license by the Commission to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, or cannabis dispensary. While it may have a component that administers Medical Cannabis to qualifying patients, it is open to adult use of cannabis for person 21 years and older.

## **CANNABIS CONSUMPTION AREA “CCA”:**

A designated location operated by a licensed ~~operator~~ cannabis retailer or permit holder for dispensing ~~medical cannabis~~, for which both a State and local ~~endorsement~~ license has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer, or alternative treatment center ~~or permit holder~~ that is separate from the area in which retail sales of cannabis items ~~or the dispensing of medical cannabis~~ occurs within the same building; or (2) an a separate but enclosed exterior structure on the same premises as the cannabis retailer or alternative treatment center; ~~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 (3) an establishment authorized to allow retail or medical cannabis to be sold and consumed under a separate license within an enclosed structure properly zoned and approved by the City of Trenton. ~~brought by a person to the consumption area, may be consumed~~. Licensed ~~cannabis retailers and medical dispensaries~~ operators shall restrict use or consumption to designated areas or spaces. ~~The City Council may authorize the operation of a CCA for the personal use, medical use or both personal use and medical use of cannabis within its jurisdiction through the adoption of a resolution.~~ In order to operate a CCA ~~under a cannabis retail license~~, the license holder must also apply for an ~~“endorsement”~~ a license from the CRC and the local governmental entity ~~where the retail establishment would operate~~. The cannabis retail license holder is prohibited from operating a CCA without both state and local approval.

## **CANNABIS DELIVERY SERVICE (Class 6 License)**

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 (Class 4 License)**

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 TRAINING FACILITY**

An entity that provides educational curriculum and/or mentorship and job training in related Cannabis & Hemp related businesses, including but not necessarily limited to; medical research, political science, legal, accounting, operational professionals, and law enforcement in the emerging cannabis industry

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from a Science, Technology, Engineering, Arts, & Math perspective. A Training Facility may, but is not required to, hold any license to sell, cultivate, or manufacture Cannabis.

## **CAREGIVER**

Institutional or Designated Caregiver, as defined in the Act, who is authorized to assist with a registered qualifying patient's medical use of cannabis.

## **CAREGIVER IDENTIFICATION CARD**

The New Jersey Medical Marijuana Program Identification Card, which identifies registered caregivers under the Act.

## **CLINICAL REGISTRANT**

An entity that has a written contractual relationship with an academic medical center in the region in which it has its principal place of business, which includes provisions whereby the parties will engage in clinical research related to the use of medical cannabis and the academic medical center or its affiliate will provide advice to the entity regarding patient health and safety, medical applications, and dispensing and managing controlled dangerous substances, among other areas.

## **DIVERSELY OWNED BUSINESS**

A business that is minority-owned, woman-owned, or disabled veteran-owned and certified as such by the New Jersey Department of the Treasury in one or more of the listed categories.

## **EXPANDED ALTERNATIVE TREATMENT CENTER or EXPANDED ATC**

Is a permitted ATC pursuant to P.L. 2019, c. 153 and N.J.A.C. 17:30A that is authorized to operate a cannabis business or businesses pursuant to that Act and that chapter, in addition to its medicinal cannabis operations. An expanded alternative treatment center shall be deemed to have all the rights and privileges of a cannabis dispensary or retailer (Class 5 License) cannabis establishment as defined in this ordinance and shall be subject to all those requirements unless explicitly stated otherwise. The requirements of corporate structure and alternative treatment center physical requirements under P.L. 2019, c. 153 and that ensuing request for applications by the State of New Jersey shall supersede local Class 5 License requirements pursuant to Section 1, 146-50(1)(g).

## **HEMP or INDUSTRIAL HEMP**

Is a variety of the Cannabis sativa plant species that is grown specifically for industrial use. It can be used to make a wide range of products including paper, rope, textiles, clothing, biodegradable plastics, paint, insulation, biofuel, food, and animal feed. Regulated through the USDA, the allowable amount of total THC may not exceed 0.3% at harvest.

## **MEDICAL CANNABIS CULTIVATOR**

An organization issued a permit by the Permitting Authority that authorizes the organization to possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers and dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. For

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the purposes of zoning, this shall include the building, structure, or premises used for the cultivation or storage of medical cannabis. A cultivation center may be physically separate and off-site from an associated medical cannabis dispensary. When connected to, or part of, the same property as a medical cannabis dispensary, the cultivation center shall be considered part of the medical cannabis dispensary.

## **MEDICAL CANNABIS DISPENSARY**

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of the Act; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. For the purposes of zoning, this shall include the building, structure, or premises used for the dispensing of medical cannabis. No adult use cannabis business-related activities may take place within an ATC Dispensary unless granted a Zoning Permit by the City Zoning Official.

## **MEDICAL CANNABIS MANUFACTURER**

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator; purchase or obtain medical cannabis products from another medical cannabis manufacturer; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and dispensaries. For the purposes of zoning, this shall include the building, structure, or premises used for the manufacturing of medical cannabis products.

## **MEDICAL USE OF CANNABIS**

The acquisition, possession, transport or use of cannabis or paraphernalia by a registered qualifying patient as authorized by the CUMA.

## **CANNABIS MICROBUSINESS**

~~Mean—~~A person or entity licensed as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment in accordance with CRC regulations for microbusinesses; ~~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 and; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of



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~~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; (3) have at least one person with significant ownership interest as a resident of the City of Trenton.~~

## **CANNABIS WHOLESALER (Class 3 License)**

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.

## **MMP IDENTIFICATION CARD**

The New Jersey Medical Marijuana Program Identification Card, which identifies registered qualifying patients under the Act.

## **PARAPHERNALIA**

The definition as provided in N.J.S.A. 2C:36-1.

## **PERMIT**

The documents issued by the Permitting Authority pursuant to the Act and local ordinance granting the legal right to operate as a Cannabis Business.

## **PERMITTING AUTHORITY**

The entity responsible for the regulation and enforcement of activities associated with the production and/or sale of cannabis. This shall include the New Jersey Department of Health and the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c. 153 (C.24:6I-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.). This shall also include any City Cannabis Committee or entity set up for the review and local licensing of Cannabis Businesses.

## **QUALIFYING PATIENT OR PATIENT**

A resident of the State of New Jersey who has been authorized for medical use of cannabis by a health care practitioner, and who has been registered by the Permitting Authority as, a registered qualifying patient.

## **SOCIAL EQUITY BUSINESS**

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A business owned by people who have lived in an Economically Disadvantaged Area of the state as defined by State legislation, or who have convictions for cannabis-only related offenses (expunged or not).

## USABLE CANNABIS

The dried leaves, flowers, stems, stalks of a Cannabis Sativa plant, including any mixture manufactured as a tincture, ointment, salve, or products prepared for oral digestion, but does not include the seed, or roots of the plant.

## VERTICALLY INTEGRATED CANNABIS FACILITY

The co-location or combination of the following activities related to the production of usable cannabis ~~for qualifying patients~~ within a single corporate entity or majority ownership: cultivation, manufacturing, and dispensing. While NJCREAMMA does not permit vertically integrated cannabis facilities with to be licensed as such with regard regard to adult use cannabis, multiple licenses may be assembled as rules and regulations permit over time.

### §146-46 Limitation on Cannabis Businesses within the City.

#### (4) Buffering Requirements:

- a) No Cannabis Dispensary shall be located within 1,000 feet from any other Cannabis Dispensary, excluding Alternative Treatment Centers and ~~Medical Cannabis Dispensaries~~ only selling Medical Cannabis, which shall be generally measured from door to door walking distance the subject property line to property line, except that the minimum distance requirement for those Cannabis Dispensaries appropriately zoned and approved in the Roebing Redevelopment Area (The Entertainment District) or the Business A District south-west of Rt 206 (The Downtown District) may be 500 feet.
- b) Established ATC's (Medical Cannabis Dispensaries) seeking to become an Expanded ATC Adult Use may not do so if in violation of the City's buffer requirements. ATC's may however signal their intention to include adult sales upon seeking endorsement from the City, and in advance of CRC approval, by stating its desire for such use to be included within City Council's endorsement of an application.
- c) Cannabis dispensaries shall not be located within 750 feet from all schools where children are routinely present, which shall be generally measured from door-to-door walking distance, excluding daycare centers that are co-located within a mixed-use commercial and/or industrial building.
- d) Cannabis Dispensaries shall not be located within 250 feet from the front entrance to a place of worship.
- e) Standalone cultivation centers and manufacturing facilities are not included within these buffering prohibitions this prohibition if the secured facility is properly zoned within an Industrial zone and does not contain a Cannabis Dispensary or have public access or visible signage and is and is otherwise properly situated in accordance with this Chapter.

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- (2) ~~The number of Cannabis Dispensaries located within the City shall be limited to 10 Retail Cannabis Dispensaries. There are no limits on the other license classes. Micro-license dispensaries are included within this limitation on dispensaries. Standalone cultivation centers and manufacturing facilities are not included within this prohibition if the secured facility does not contain a retail Cannabis Dispensary or and does not have public access and is otherwise properly situated in accordance with this Chapter.~~
- (3) (2) In the event more than one land use application for a Cannabis Dispensary, cultivation center or manufacturing facility of the same classification are submitted to the City in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the City is not permitted to approve all of the applications because of the limitations set forth in this subsection. The City shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the City Planner, or Zoning Official. The City will not accept applications in violation of any part of this ordinance or is incomplete in any way.
- (4) (3) The City encourages the transition of legacy operators to apply for endorsement. However, the City will not accept applications by applicants that are in violation of any part of this ordinance or are otherwise incomplete in any way.

**§146-47 Local licensing authority.** ~~The City Council~~ A City Cannabis Advisory Committee (CAC) appointed by the City Governing Body will act as the body for local review for the City for all cannabis establishments seeking a Resolution of Local Support for its State licensing application and local licensure. Pursuant to CRC regulations, as part of the state license application, each cannabis applicant must receive a Resolution of Local Support from the municipality's governing body. Under all circumstances in which State law requires communication to the City by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of cannabis establishments by the State, or in which State law requires any review or approval by the City of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be communicated through the City Clerk's Office. City Council may appoint a upon recommendation by the sign-off by the City Cannabis Advisory Committee to advise them on all cannabis related matters. and authorized by the City's Governing Body.

- (1) Members of said CAC shall include ~~five at least three (35)~~ residents and ~~two (2)~~ business owners located within the City.
- (2) Thereupon the governing body (the City Council) shall, ~~by resolution or ordinance, as appropriate, appoint such persons, of whom two (2) shall be recommendations by the Mayor, annually by resolution. five persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of 1, 2, 3, 4, and 5 years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of 5 years, except that all vacancies shall be filled for the unexpired term. The mayor shall appoint the two additional commissioners, to terms of five years, except that all vacancies shall be filled for the unexpired term.~~
- (3) The Committee shall be supported by the Law ~~Director~~ Department, Police Department, and City Planning, and Zoning Official. Office.

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- (4) Of the members of the Committee, no member shall be affiliated with or related to a New Jersey Adult Use Cannabis Business or Medical Cannabis Establishment or prospective licensee, but all shall be resident or business owner of the City within the past 5 years.
- (5) No member of the committee may hold interest in or be related to an applicant.
- (6) All meetings of the Committee shall be subject to the Open Public Meetings Act, with minutes kept in accordance with same.
- (7) Duties of the Committee will be to advise the City Governing Body as to the community development and philanthropic aspects of the Cannabis Businesses within the City of Trenton as to the issuance of Cannabis Business Permits within the City of Trenton based on the information issued required of all applicants by the Governing Body and consistent with §146-5023. The Council may also authorize the Committee to finalize the terms of any Local Host Agreement pertaining to community development and philanthropic activities proposed by the operator prior to Council's ratification of same.
- (8) ~~The Committee shall provide a written report to the City Council~~ may request a written report on a quarterly basis, ~~or at any rate no fewer than four (4) times per year,~~ on the status of ~~their work~~ the City's Cannabis industry, 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~~ Local residency;
  - e. The owner(s)' gender; and
  - f. The owner(s)' race, nationality, or ethnic group.
  - g. Programs and/or community benefits derived through the Local Host Agreements.
- (9) The Committee shall be advisory only and volunteer only to the City Council.
- (10) The City Council may dissolve such committee as deemed appropriate and/or circumstances allow.

**§146-48 Effectiveness.** Under no circumstances shall a local permit for a cannabis establishment issued through the Clerk be effective until or unless the State has issued the requisite ~~licenses~~ license(s) to operate such a facility. It is the intent of this Chapter that no cannabis establishment may lawfully operate in the City of Trenton without the issuance of a State license and full regulatory oversight of the cannabis establishment by the Cannabis Regulatory Commission or other state licensing authority as well as the issuance of a Cannabis Business Permit by the City. Once the City has granted a Resolution in Support of an application, the actual license to operate will be subject to State CRC approval and an executed Local Host Agreement once all appropriate approvals are obtained, including but not limited to Planning Board approval, Certificate of Occupancy through the Code Enforcement office in addition to any other requisite agencies associated with land development in the State of NJ, Mercer County, or the City of Trenton.

- (1) Classification of licenses. Consistent with the State classification of licenses, the City, subject to local land use approval and/or zoning permit, and State licensure, may issue the following

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municipal permits to operate a cannabis establishment. The City Council shall set the number of local cannabis licenses issued annually but may not exceed the total number of such permitted at any given time, which shall be as follows for each license class:

Class I: Cannabis Cultivator – Limit of 15. After a five-year period, Council may increase to a total not to exceed 20.

Class II: Cannabis Manufacturer – Limit of 15. After a five-year period, Council may increase to a total not to exceed 20.

Class III: Cannabis Wholesaler – Limit of 2

Class IV: Cannabis Distributor – Limit of 2

Class V: Cannabis Retailer – including alternative treatment centers, microbusiness retailers, and those connected to vertically integrated businesses – Limit of 10

Class VI: Cannabis Delivery – Limit of 10

Cannabis Consumption Areas – Limited to ATCs and Expanded ATCs

~~(2) Issuance of Municipal Permits. The City Cannabis Committee shall set the number of local Cannabis Permits issued annually but may not exceed the total number of such permitted at any given time as set forth in this Chapter: Notwithstanding, the maximum amount of application for State licensure that the City shall consider endorsing for the first period (August 21, 2021 to December 31, 2022), regardless of the maximum number set forth in item d. below, is set forth as follows:~~

~~Class I thru Class IV: No limit~~

~~Class IV: Cannabis Distributor – 0~~

~~Class V: Cannabis Retailer – including alternative treatment centers and microbusiness retailers – 10~~

~~Class VI: Cannabis Delivery – 2 10~~

## **§146-49 Application Process.**

While the State of New Jersey Cannabis Regulatory Commission vets all applicants with regard to much of the information being asked for herein, particularly with regard to compliance with financials rules, collusion with certain foreign governments, and criminal history, the City's application seeks to understand who its future business owners may be. The City Council and its review Committee will process this information, but will primarily focus on what an applicant may propose that will benefit the citizens of the Capital City as found within Section §146-50 "Evaluation" below.

Persons wishing to obtain any Resolution of Local Support classification of cannabis license shall first file a license application with the City Committee Clerk, on a standardized form established by the City Committee

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Council and available in the Clerk's office once the City has issued a Request for Proposals (RFP). The Committee shall establish a reasonable application period and deadline for all applications shall be rolling until such time as the Council notifies the public via the City's website that no more applications will be accepted. An application shall be deemed incomplete and shall not be processed by the Clerk and transmitted to the Council and/or its Committee, until all documents and application fees are submitted. Once complete, the applicant shall receive a response no longer than 45 days upon receipt of a complete application.

To be deemed complete, all applications shall be accompanied by the following:

- (1) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing. No application will be accepted unless the applicant is fully compliant with applicable rules and regulations, including but not limited to the unregulated sales of cannabis, including hemp-derived infused THC cannabis products.
- (2) The applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
- (3) A letter from the Zoning Officer that the location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Code and shall include verification that the property conforms, or may be able to conform with all applicable planning and zoning related rules and regulations upon Planning or Zoning Board approval. The report from the Zoning Officer shall also include: bulk standards (e.g. parking, setbacks, etc.), how the property meets buffering requirements, as well as any other preliminary insight related to any Site Plan application to the Planning Board that may be required. The Zoning Officer, or appropriate official, shall also provide the applicant with a certified property owner list of those within 200 feet of the property to be utilized for the operation.
- (4) The applicant shall submit proof within the application for Local Support that the applicant has delivered by certified mail notice that the property is intended to be utilized for cannabis and that the applicant will be petitioning the City Council for a Resolution of Support for its State CRC licensing application. The notice shall also contain:
  - i. Name and address of the business;
  - ii. The type of license being pursued;
  - iii. Owner's (or representative) contact information;
  - iv. Any other information the owner wishes to share with the community highlighting its intent in being a good neighbor.
- (5) The applicant shall submit, to the satisfaction of the Council or the Committee, proof of financial capability to open and operate the marijuana establishment for which the applicant is seeking a license. Standards for proof of financial capability shall be presented in strict confidence as

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determined by the requirements of the CRC.

- (6) The applicant shall submit a fee for the application ~~for a conditional permit~~ in the amount of \$10,000. If the application is denied, applicants shall receive a refund of \$5,000. Micro-licenses shall submit a fee of \$1,000 application fee. Trenton residents that are social equity applicant may petition to receive a 50% discount of local license fees. A petition for discount shall include proof of residency and any associated documents that reveal the applicant's eligibility in meeting State CRC definitions. \
- (7) Transfer Fees. Shall be 10% of sale of the license or ~~\$10,000~~ \$50,000, whichever is greater. Any entity assuming the transfer of classification license must adhere to the same state and city cannabis laws/regulations.
- (8) Upon receipt of a conditional City Cannabis License, the Cannabis Business shall enter into a Local Host Agreement with the City when, upon receipt of a State License, to ratify the proposal put forth in the application. Such an agreement will include any and all proposed community programs, public service proposals, security, and mitigation of any community impacts agreed upon.
- (9) ~~Bi-annual~~ Annual Registration Fees. Upon obtaining a State license shall submit ~~bi-annual~~ annual registration fees of \$10,000. Micro-licenses shall submit a fee of ~~\$2,000~~ \$5,000.
- (10) The applicant and the application shall otherwise comply with any, and all qualification standards set forth in the State and City laws or regulations.

## §146-50 Evaluation.

- (1) The ~~Committee~~ City Council shall evaluate all applicants and may ask its Cannabis Advisory Committee for review and recommendations ~~issue a recommendation of award~~ after consideration and evaluation of the following criteria.~~to the City Council.~~ Presentation before the City Council is required. ~~City Committee is required. Ties will be broken by the Township Council.~~ Each application should be reviewed within the confines of the license category being sought. (For example, a retail dispensary should focus on customer service, marketing, branding and architectural presentation, and public access issues, while a cultivation, distribution, wholesale operation on security, job environment, truck access and loading, and security. Micro-licenses should focus on their business plan and tangentially related experiences and support structures.) Notwithstanding the categories provided for herein, subjectivity in regard to personal tastes and aesthetic matters should be restrained in favor of the thoroughness and level of detail by which an applicant responds. ~~Prior to issuing the request for applications or receiving requests from Cannabis Businesses to gain City Council support the Committee shall make recommendation to the City Council to establish and publish Final criteria and weight categories in accordance with any applicable laws and regulations, which shall be timestamped.~~ Generally, the Committee Council and its Committee shall utilize the following upon finalizing criteria for publication, the purpose of which is to understand the applicant and its operations, with particular focus on how the operator/operation plans to become a corporate citizen contributing to the well-being of the City of Trenton:

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- a) Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey;
- b) Applicant's brand and proposal for the physical presence of the business. Including but not limited to; the site's ability to meet all land use regulations (parking, landscaping, signage, etc.), architectural treatments, customer experience (where applicable), etc.;
- c) A summary of the applicant's operational plans; including, but not limited to, storage of products and currency, physical security, video surveillance, security personnel, and visitor management;
- d) Applicant's orientation to research and development of Cannabis. Including but not limited to its owners' experience conducting, supporting, and/or future plans to conduct institutional review board-approved research related to medical cannabis, veterans' affairs, or substance abuse. Include whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (human subjects); and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine, or osteopathic medicine with experience conducting cannabis-related research, veterans affairs, or other institutions of higher learning dedicated to cannabis research or occupational training;
- e) Applicant's or its owners' demonstrated commitment ~~or sufficient experience as~~ and plans to become responsible employers, defined as the applicant entity being a committed to a local program in collaboration with organizations committed to the well-being of residents, including, but not limited to the City and surrounding service area. Provide evidence in letters of support and agreements. (e.g. Local workforce hiring and development plan, Community service, Collaborations with a university or specialized training facility such as, but limited to Vo-Tech, and dedicated support to social justice initiatives);
- f) Summary of the applicant's environmental impact/mitigation, and sustainability plan; whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability; and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system;
- g) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in the City for five or more years within ~~in~~ the past ten years, or at least one shareholder's continuous ownership of a business based in ~~town~~ the City for five or more years in the past ten years;
- h) Applicant's experience and/or commitment to community health related programs and associated charitable organizations, including but not limited to, particular attention toward prevention of drug and alcohol abuse including but not limited to youth and vulnerable persons both locally and regionally;



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- i) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices; Applicant's commitment to supporting and working with local micro-licensees regardless of the licensing category, including but not limited to contracting for service for ~~with~~ and training/mentorship; The applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business;
  - j) Applicant's or its owners' demonstrated commitment, ~~or~~ sufficient experience, and/or plans to be as responsible employers, ~~defined as the applicant~~ including but not limited to, an entity entering into being a party to a labor peace agreement or ~~the applicant entity or its parent company being a party to~~ a collective bargaining agreement with a union in the regulated cannabis industry for at least one year prior to application for a Cannabis Establishment license, in an effort to create well-paying jobs with employee benefits in the City municipality ~~(twenty present in total: five points for a labor peace agreement, full twenty points for collective bargaining agreement in effect for at least one year):~~
- (2) Upon receipt, review, and evaluation, the City Council shall vote on whether to issue a Resolution of Local Support to the applicant.

~~Annually, up to two (2) applicants for a Cannabis Retailer may be recommended to the Governing Body for their consideration in granting a conditional City Cannabis Business Permit with all scores, application submittals and recommendations in a detailed report to be submitted to Council for their consideration. Upon receipt of the Committee's recommendation, the Council reserves the right ask for public presentations when and where appropriate as part of their review process.~~

## §146-51 Award of ~~Township~~ City Cannabis License

- (1) Term of Application Endorsement. Notwithstanding the any foregoing competitive application process, a Resolution of Local Support ~~notification of award and conditional license~~ shall entitle the recipient applicant to pursue a State license in the requisite classification for up to 12 months, which may be extended in the City Council's discretion for an additional 6 months for good cause. No business may operate until the applicant has received a State license and satisfied other prerequisites of municipal permit. If the recipient of a notice of award and conditional permit has not received a State permit or license within 12 months from issuance, unless extended for good cause, the City Council shall issue a new request for applications and/or reevaluate all the applicant applications for licensure under the above criteria.
- (2) The City Clerk's office shall issue a local cannabis license only upon receipt and confirmation that the applicant has received state licensure approval, Planning Board or Zoning Board approval, and has paid the annual license fee.
- (3) Term of Permit License and Permit License renewals.
  - a) Any local Permit License issued pursuant to this Chapter that receives a State Cannabis License to operate shall be valid for a period of two (2) years from the date of state issuance and shall be renewed in accordance with the provisions of this Chapter.
  - b) The Committee may, at its discretion, adjust the renewal date of the local license to

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correlate with an applicant's State licensing and renewal schedule.

- c) Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed in addition to any history of property maintenance and zoning code violations.
  - d) Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premise shall be subject to City Planning review and zoning approval. Such review shall be in accordance with 146-23 (Evaluation) and continuance of the Host Agreements.
  - e) Except where ~~the Committee~~ Council has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.
- (3) Award Limitations - In the event more than one application for a Cannabis Business (Dispensary, cultivation center or manufacturing facility, etc.) of the same classification is awarded by the State and are submitted to the City which are either; too close in proximity to one another, or exceed the number of available licenses, and if the applications comply with all the requirements of this chapter and the Act, the City is not permitted to approve all of the applications because of the limitations set forth in this subsection. The City Council ~~in consultation with the Committee~~ shall make a determination if reasonable accommodations can be made to eliminate the conflict and/or expand the number of available City Cannabis Business licenses awarded in any given year.
- (4) The conditional Local Host Agreement with the City shall be contingent upon State license approval. Upon receipt of a State License, the local host agreement shall be fully executed. No applicant shall commence operation in the City without execution of an Agreement.

**§146-52 Mobile Delivery of cannabis products.** Cannabis products may be transferred or delivered, consistent with the requirements of the Act. Mobile facilities shall not be permitted unless expressly authorized under the Act or permitted by the Permitting Authority and approved by Special Permit by the City.

**§146-53 Operation of multiple cannabis businesses at a single location.** A person may vertically integrate a facility permitted by this section at a single location as long as it is in full compliance with the requirements of the Act and the City Land Development Ordinances.

## **§146-54 Requirements Applicable to All Cannabis Businesses.**

- 1) Samples of cannabis products offered for sale may be displayed on shelves, counters and display cases. All bulk cannabis products shall be locked within a separate vault or safe, with no other items in the safe, securely fastened to a wall or floor, as coordinated with the Trenton City Police Department and allowable under Permitting Authority regulations and state legislation.

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- ~~2) Dispensaries may sell "cannabis paraphernalia" as that term is defined in this section to registered qualifying patients only and shall be exempt from the prohibitions contained in other sections of Ordinance.~~
- 3) Signage.
- a) External signage, including window signage, must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf and / or outward glorification of cannabis consumption, where applicable.
  - b) All other City sign regulations must be complied with the Land Development Ordinance.
- 4) Must adhere to the provisions of the ~~Development plan~~ applicable zoning or redevelopment standards to the extent feasible and gain site plan approval.
- 5) Security and reporting.
- a) Surveillance System.
    - i. Cannabis Establishments shall be monitored at all times by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas, storage areas, all doors and windows with access into the Cannabis Establishment, parking areas if applicable, and any other areas not mentioned if deemed necessary by the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.
    - ii. The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the Trenton City Police Department with access to this real-time camera footage in case of an emergency.
    - iii. The recordings shall be maintained at the Cannabis Operation for a period of not less than thirty (30) days and shall be provided to the City Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.
  - b) Outside areas of the premises and the perimeter shall be lit in accordance with City regulations and all doors equipped with motion censored lights.
  - c) The Trenton City Police Department shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours
  - d) Security staff is required on the premises during all hours of operation.
  - e) The premises must only be accessed by authorized personnel and free of loitering.
  - f) All cultivation of cannabis shall take place in an enclosed, locked facility.
  - g) Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of medical cannabis, securely fastened to a wall or floor, as approved by the Trenton City Police Department.

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- h) Cannabis Establishments shall comply with all security requirements as established by state law and regulations, as they may be updated from time to time.
- 6) **No products to be visible from public places.** Cannabis plants, products, accessories, and associated paraphernalia contained in any cannabis business shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with 21 CFR 1301.72.
- 7) **No beer or alcohol on premises.** No fermented malt beverages and no alcoholic beverages shall be kept, served or consumed on the premises of a cannabis business.
- 8) **Storage of products.** All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Permitting Authority regulations.
- 9) **Cannabis Consumption Areas.** No consumption or smoking of any cannabis products shall be allowed or permitted on the premises or adjacent grounds of a cannabis business unless specially permitted through a Consumption Area permit as part of a licensed Medical Dispensary, and for the exclusive use of medical patients only, and the following conditions:
- a) No Cannabis Dispensary shall be permitted to operate a Consumption Area within 200 feet of any residential zoning district of the City or a single-family residential zoning district of any adjacent municipality.
  - b) If cannabis will be consumed by smoking or vaping, the Cannabis Dispensary must comply with the New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-55 et seq.) and associated regulations (N.J.A.C. 8:6-1.1 et seq.).
  - ~~e) Only cannabis items purchased on-site at the Cannabis Dispensary shall be consumed within the Consumption Area.~~
  - ~~(c) (d) The Consumption Area shall be limited to those licensed cannabis retailers, alternative treatment centers and Expanded alternative treatment centers and medical dispensaries, or other establishment and endorsed by the State Cannabis Regulatory Commission.~~
  - ~~d) Each licensed Cannabis Dispensary may operate only one Cannabis Consumption Area.~~
  - ~~(d) (f) The Cannabis Consumption Area shall comply with the definition set forth herein and be either (a) an indoor, structurally enclosed area of the licensed Cannabis Dispensary that is separate from the area in which retail sales of cannabis items occur or (b) an exterior structure on the same premises as the dispensary, either separate from or connected to the dispensary.~~
- 10) **Prevention of emissions and disposal of materials.**
- a) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the cannabis business premises shall be provided at all times. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
  - b) Businesses shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with state regulations.

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- c) As applicable, cannabis businesses shall be equipped with ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons. The ventilation system must be inspected and approved by the Construction Official.
  - d) If carbon dioxide will be used in any cultivation area, sufficient physical barriers or a negative air pressure system shall be in place to prevent carbon dioxide from moving into the ambient air, into other units in the same building or into an adjacent building in a concentration that would be harmful to any person, including persons with respiratory disease and shall be inspected and approved by the Construction Official and the Fire Marshall.
  - e) All state regulations concerning ventilation systems shall be followed.
- 11) **Compliance with other codes.** Any cannabis business and the adjacent grounds of the cannabis business shall comply with all zoning, health, building, fire, and other codes and ordinances of the City as shown by completed inspections and approvals by the City Planner, Zoning Official, Construction Division/Technical Services, Fire Safety Division, and the City Health Department, if applicable.
- 12) **No harm to public health, safety or welfare.** The premises of a cannabis business, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.
- 13) **Additional requirements.** At the time a ~~site plan approval is granted~~ the Planning or Zoning Board grants site plan approval, amended, or a major change to a cannabis business is approved, the Board City may impose on the applicant any condition related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, not inconsistent with the Permitting authority requirements, including but not limited to the following:
- a) Additional security requirements;
  - b) Limits and requirements on parking and traffic flows;
  - c) Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
  - d) Limits on the type of unregulated cannabis products that may be sold;
  - e) Requirements and limits on ventilation and lighting;
  - f) Limits on noise inside the licensed premises or on the adjacent grounds;
  - g) Prohibitions on certain conduct in the cannabis business;
  - h) Limits on hours of operation.
  - i) Local Host Agreements shall be a Condition of Approval if an executed agreement does not exist at the time of application.
- 14) **Penalty for violation.** Any violation of the provisions of this subsection or the conditions of the zoning permit granted, by a cannabis business shall be punishable by a civil fine of up to \$2,500 \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and

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distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit may result in the revocation of the zoning permit.

- 15) **Relationship to any Redevelopment Plan, and the City Zoning and site plan standards.** To the extent any provisions of the City redevelopment plans, zoning and site plan standards conflict with this section, the provisions and standards of this section shall control.

## **§146-55 Disciplinary Actions; Sanctions; Penalties**

- (1) Disciplinary actions. Procedures for investigation of permit violations and for suspension, revocation, or other permit sanctions as a result of any such violation shall be as follows:
- a) First offense: Up to \$250 per violation per day;
  - b) Second offense: Up to \$500 per violation per day;
  - c) Third violation shall result in summary suspension.
- (2) Summary suspension. Notwithstanding the foregoing section, when the City Council has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Council may enter a summary suspension order for the immediate suspension of the permit and notice to the Cannabis Regulatory Commission pending further investigation.
- a) The summary suspension order shall be in writing and shall state the reasons therefore. The licensee shall be afforded an opportunity for a hearing as outlined herein.
  - b) The City Council shall convene a review panel. The hearing shall be scheduled within ~~30~~ 45 days of the date of the order.
  - c) The review panel is authorized to impose any fines, conditions, restrictions, suspensions, or combination thereof authorized by the State of New Jersey. In the absence of State specified penalties, the City may issue fines up to, but not to exceed, \$2,500 per offense and/or suspension of license for a period not to exceed 6 months.
- (3) Inactive licenses. Following the commencement of retail sales of cannabis or cannabis products, the Administrator may suspend or revoke any permit if a licensed premise has been inactive or unoccupied by the licensee for at least 6 months.
- (4) State license. The Committee may suspend or revoke any permit if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.

## **Section 2. Amend the following Redevelopment Area Plans.**

- 1) Permitted Uses - Cannabis Businesses as set forth below shall be Conditional Uses permitted in certain zones and redevelopment areas. Cannabis Establishments shall comply with the requirements set forth herein.

*Canal Banks Redevelopment Plan (as amended September 2005): Section B(2)(b)(4), "Conditional Land Uses – Business A (BA)." Dispensary ONLY along South and North Warren, North Broad*

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Street, North Willow, and East State Street (between Warren and Hogan).

Coalport Redevelopment Area (as amended September 2000) “Conditional Uses,” Class I: Cannabis Cultivator, Class II: Cannabis Manufacturer, Class III: Cannabis Wholesaler, Class IV: Cannabis Distributor.

Enterprise Avenue Area Redevelopment Plan (as amended January 2005): Section B(2)(a), “Conditional Land Uses,” Cultivation and Manufacturing

Marine Terminal Redevelopment Area “Permitted Uses,” Class I: Cannabis Cultivator, Class II: Cannabis Manufacturer, Class III: Cannabis Wholesaler, Class IV: Cannabis Distributor.

Pennington Redevelopment Area (as amended September 2000) “Conditional Uses,” Class I: Cannabis Cultivator, Class II: Cannabis Manufacturer, Class III: Cannabis Wholesaler, Class IV: Cannabis Distributor within the Industrial IA Zone, Class V: Cannabis Retail within the IA/BB-1 Zone.

Route One Industrial Area Redevelopment Plan (as amended June 1997): Section B(2)(a), “Conditional Land Uses,” Class I: Cultivation and Class II: Manufacturing, are permitted;

Roebing Complex Redevelopment Plan (as amended November 1997): Section B (2), “Conditional Uses,” Class I: Cannabis Cultivator, Class II: Cannabis Manufacturer, Class V: Retail, Alternative Treatment Centers, Academic Medical Center, Vocational Training Facility. Generally, Dispensaries are is permitted within major retail areas and Cultivation within other areas where existing industrial structures are to remain. Design of such a facility all cannabis facilities within the Plan's area must is sought to be positioned to generate an inclusive environment aimed at promoting health, wellness, and most importantly economic opportunity through training, mentoring and educational facilities in collaboration with institutions of higher learning or an approved curriculum through the Cannabis Regulatory Commission (CRC).—as agreed to with a required redevelopment agreement. Redevelopment Agreements are required.

Train Station Redevelopment Area (as amended October 2009): Section B (e), amend to include: Conditional Uses. Class I: Cannabis Cultivator, Class II: Cannabis Manufacturer - within existing industrial structures. And amend Section 3. Master Planning, (e) “Wall and Monmouth Street” add bullet under opportunities “Create local job opportunities.”

New York Avenue Redevelopment Plan (as amended February 2008): Add Section B (2) (c), “Conditional Uses,” Class I: Cannabis Cultivator, Class II: Cannabis Manufacturer, Class III: Cannabis Wholesaler, Class IV: Cannabis Distributor, Alternative Treatment Centers and Expanded Alternative Treatment Centers. Generally, Dispensaries are permitted within established retail areas and the other classes of cultivation, manufacturing, wholesaling and distribution within other areas where existing industrial structures are prevalent.

- 2) Cannabis Dispensaries where permitted as Conditional Uses within the Redevelopment Areas are also subject to the following criteria:
  - a) Adherence to the permitted uses and site design standards of the respective City Land Development Ordinance and Redevelopment Plan, and/or the City Land Development Ordinance as they stand or may act as underlying their respective redevelopment area plan.

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- b) Issuance of Trenton City Cannabis Business Permit.
  - c) Site plan approval is required, except for a business that is an Expanded ATC which previously received site plan approval to operate as an ATC.
  - d) Dispensaries shall limit their hours of operation from 8:00 a.m. to 10:00 p.m., Monday to Sunday, or as otherwise provided for within a special use permit.
  - e) Cannabis Dispensaries shall not be located within 1,000 feet of another Cannabis Dispensary. Medical ONLY Alternative Treatment Centers (ATC) ONLY Dispensaries are not subject to this provision.
  - f) Cannabis Dispensaries, except ATCs and Expanded ATCs, must be located on properties with frontage on main thoroughfares (e.g., Hermitage, Calhoun, Chambers, Olden Avenue, Route 206, Hamilton Avenue, etc.) where retail is a prevalent use within the zone, and not off of sides streets and alleys that may be within a permitted zone but do not front such streets main thoroughfare.
  - g) Alternative Treatment Centers and Expanded Alternative Treatment Centers within redevelopment areas may also be located in areas otherwise not permitted, but within 1,500 feet to a complimentary use or populations in need. Such locations include, but are not necessarily limited to: areas proximate to healthcare facilities, walking distance to populations in need of access, adjacent to retail goods and services. Such facilities must be positioned to generate an inclusive environment aimed at promoting health, wellness, and economic opportunity for area residents. These ATCs and Expanded ATCs are permitted to also hold Class V Dispensary licenses as Expanded ATCs as well.
  - h) Alternative Treatment Centers, Expanded ATCs, or Dispensaries that are located, or proposed to be located, on properties that have portions of it located within another zone (split-zoned) are permitted. In such event, the use is permitted such that any conflicts with adjacent uses, particularly residential are corrected through buffering, such as, but necessarily limited to: installation of fencing, landscaping, community improvements, but that the facility and its orientation is primarily located within the appropriately zoned portion.
  - i) Blank street walls are not permitted. Architectural treatments in coordination with landscaping and/or street art will be required. Street art is highly encouraged. Such art is not to be counted against the businesses sign limitations.
  - j) Cannabis Dispensaries shall not be located within 250 feet of the main pedestrian entryway into a house of worship.
- 3) Vertically Integrated Cannabis Facilities. Academic Medical Center, and Cannabis Training Facility, where permitted as Conditional Uses are also subject to the following criteria:
- a) Adherence to the permitted uses and site design standards of the City Land Development Ordinance and Redevelopment Plans.
  - b) Issuance of Trenton City Cannabis Business License.
  - c) Site plan approval is required.
  - d) If a dispensary is co-located within the same structure as a cultivation or manufacturing center use, the area of the proposed premises utilized for cultivation shall be physically separated from the area of the premises utilized for the dispensing of ~~medical~~ cannabis and



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open to the public or to patients. Walls, barriers, locks, signage and other means shall be employed to prevent the public or patients from entering the area of the premises utilized for cultivation of medical cannabis.

- e) Dispensary operation must face outward on a main ~~Thoroughfare~~ thoroughfare where retail is prevalent within the zone. Dispensaries may not be located in areas where retail is not permitted.
- f) Cultivation and manufacturing are permitted in vertically integrated structures but may not be located in areas where retail is the predominate use. Such uses may be located behind the storefront, or on an upper or lower floor.
- g) All facilities shall be Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.
- h) Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.
- i) Light pollution, glare or brightness resulting from glow lamps must be 0.5 ~~candles~~ foot-candles or less at the property line.
- j) Noise beyond the decibel level permitted by City noise ordinances shall be prohibited.

4) Cannabis Cultivation Centers, Manufacturing, Distribution, Wholesalers, and Delivery, where permitted as Conditional are also subject to the following criteria: -

- a) Adherence to the permitted uses and site design standards of the City Land Development Ordinance and Redevelopment Plans.
- b) Issuance of Trenton City Cannabis Business License.
- c) Site plan approval is required.
- d) Facilities being purchased or leased in whole or in part or purchased that are compliant with current land development regulations and/or have obtained variances since January 1, 2010, and still meet the requirements set forth in the Resolution of Approval may forgo Site Plan approval as verified and certified by the City Zoning Official. Such a determination will require approval by the City Engineer to determine whether or not odor mitigation systems and sewer discharge in collaboration with the appropriate utility authority, being proposed will adequately meet the provisions of the ordinance. The Zoning Official may require landscaping in need of replacement, as well as any property maintenance issues that need to be addressed. In the event that the zoning official cannot make such a determinations, Site Plan approval will be required.
- e) Cultivation centers shall not be located immediately adjacent to school property used for school purposes where children are present.
- f) All facilities shall be secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.
- g) No signage other than directional or discrete building identification ~~found in~~ shall be permitted. Signage shall remain innocuous, and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.
- h) Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited. Odor

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mitigation filtration systems must be installed and maintained in perfect working order.

- i) Sewer discharge and any effluent discharged from the facility shall be coordinated with the appropriate utility.
- j) Light pollution, glare or brightness resulting from glow lamps must be 0.5 candle or less at the property line.
- k) Adherence to Chapter 167 (“Noise”). In addition, Noise decibel levels permitted shall adhere to 137-10 Noise Standards of the City Code.

5) Microbusinesses. Microbusinesses are permitted within any area where Cannabis Businesses are permitted within the City according to their use category (i.e., Dispensary, Cultivation, or Manufacturing). Microbusiness may also be located on the same premise as a full licensee as long as training, business incubators, and/or mentorship is being conducted. Micro-businesses that are co-located within another licensee's structure must be physically separated in addition to being a separate corporate structure as permitted by the State CRC.

6) Properties in industrial use that were granted a variance to be an industrial use prior to January 1, 2010 may be afforded the same conditional use rights as outlined in §215-35(18)(c) so long as they can comply with the bulk standards of IP1 zone as well as the conditions set forth therein. §215-35(18)(d) Standalone Distribution and Warehousing are excluded from this provision.

(7) Additional Requirements Applicable to All Cannabis Businesses.

- a) Samples of cannabis products offered for sale may be displayed on shelves, counters and display cases. All bulk cannabis products shall be locked within a separate vault or safe, with no other items in the safe, securely fastened to a wall or floor, as coordinated with the Trenton City Police Department and allowable under Permitting Authority regulations and state legislation.
- b) Dispensaries may sell "cannabis paraphernalia" as that term is defined in this section to registered qualifying patients only and shall be exempt from the prohibitions contained in other sections of Chapter 170 of the Land Development Ordinance.
- c) Signage.
  - i. External signage, including window signage, must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf and / or outward glorification of cannabis consumption, where applicable.
  - ii. All other City sign regulations must be complied with.
- d) 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 where appropriate.
- e) Parking shall be provided as provided below:
  - i. Parking for Dispensaries shall be provided for as retail businesses.

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- ii. Parking for Cultivation Centers shall be provided for as industrial or manufacturing establishment, laboratory use, or storage warehouse.

(8) In the event of a conflict between the City bulk standards and the Act or the Permitting Authority's regulations, the City shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.

(9) Local Host Agreement or Redevelopment Agreement shall be a Condition of Approval if an executed agreement does not exist at the time of application.

### Section 3. Amend the Land Development Ordinance (§315)

1) The Land Development Ordinance shall be amended to permit the various Cannabis Businesses, in accordance with the conditions set forth in Section 2 of this ordinance. If and when the city updates its Land Development Ordinance, an overlay map will be created and any areas in conflict with any residential rezoning, the areas will be removed from the permitted cannabis areas. The following zones are amended as follows:

Article XVI, "Mixed Use MU District" §315-103, "Permitted Conditional Uses."

- add: J. Class 5 – Cannabis Dispensaries.
- K. Vertically Integrated Cannabis Facilities,
- L. Academic Medical Center, and Vocational Training Facility.

Article XVII "Business A District" §315-108, "Permitted Conditional Uses."

- add: J. Class 5 – Cannabis Dispensaries.
- K. Vertically Integrated Cannabis Facilities.

Article XVIII, "Downtown District" §315-113 "Permitted Conditional Uses."

- add: B. Class 5 – Cannabis Dispensaries.
- C. Vertically Integrated Cannabis Facilities.

Article XIX, "Business B District" § 315-119 "Permitted Conditional Uses."

- add: G. Class 5 – Cannabis Dispensaries.
- H. Vertically Integrated Cannabis Facilities.

Article XX, "Industrial A and B Districts" §315-124, "Permitted Conditional Uses."

- add: (C) Class 1 – Cannabis Cultivators.
- (D) Class 2 – Cannabis Manufacturers.
- (E) Class 3 – Cannabis Wholesalers.
- (F) Class 4 – Cannabis Distributors.
- (G) Class 6 – Cannabis Delivery.
- (H) Vertically Integrated Cannabis Facilities,
- (I) Academic Medical Center, and Vocational Training Facility

Article XX, "Industrial A and B Districts" §315-123, "Permitted Accessory Buildings and Uses."

- add: C. Research and development accessory to principal use.

2) In addition to any conditions that are imposed by the zoning identified above, Section 3, Item 1 above, those

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conditions detailed in Section 2, Items 2 through 9 of this ordinance apply.

3) Properties in industrial use that were granted a variance to be an industrial use prior to 2012 may be afforded the cultivation and manufacturing conditional use rights as outlined in in this ordinance so long as they can comply with the bulk standards of the Industrial A zone as well as the conditions set forth therein. Standalone Distribution and Warehousing are excluded from this provision.

**Section 4. Chapter 268, TAXATION, is hereby amended by creating Article VIII, CANNABIS TRANSFER TAX, to read as follows:**

**§ ~~487-21~~ 268-44 Purpose.**

It is the purpose of this article to implement the provisions of P.L. 2021, c. 16, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.

**§ ~~487-22~~ 268-45 Definitions.**

Unless otherwise defined herein, as used herein, the City adopts by reference the terms and definitions established by Section 40 of Public Law 2021-16 (N.J.S.A. 24:6I-33).

**§ ~~487-23~~ 268-46 Tax established.**

- (1) There is hereby established a local cannabis transfer tax in the City of Trenton which shall be fixed at a uniform percentage rate of two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; one half of one percent (0.5%) of the receipts from each sale by an alternative treatment center (or medical cannabis establishment); and two percent (2%) of the receipts from each sale by a cannabis retailer for every occupancy of a cannabis establishment in the City of Trenton.
- (2) In addition to the tax established in paragraph A of this section, a user tax, at the equivalent transfer tax rates, is hereby established on any concurrent license holder, as permitted by section 33 of P.L.2021, c.16 (C.24:6I-46), operating more than one cannabis establishment. 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 paragraph A of this subsection, from the license holder's establishment that is located in Trenton City to any of the other license-holder's establishments, whether located in this City or another municipality.
- (3) 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.).

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## **§ ~~487-24~~ 268-47. Tax in addition to other taxes or fees.**

The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.

## **§ ~~487-25~~ 268-48 Collection.**

- (1) The transfer tax or user tax imposed by this article shall be collected or paid and remitted to Trenton City by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the City by the cannabis retailer selling the cannabis item to that consumer. 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.
- (2) Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the 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 tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a 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 Chief Financial Officer of Trenton City shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
- (3) No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise 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.
- (4) All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the Trenton City Chief Financial Officer on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.

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## **§ 487-26 268-49 Dedication**

(1) ~~One half (50%) of all revenue collected through Chapter 487 Article VII Cannabis Transfer Tax, and one half (50%) all revenue collected through Chapter 146 Article IX Cannabis Businesses shall be dedicated toward Cannabis Training Facilities that support access, training and mentorship within the emerging cannabis industry, including those that support micro licenses in furtherance of the City social justice initiatives.~~

(1) Ten percent (10%) of all revenue collected through Chapter 268, Article VIII, Cannabis Transfer Tax shall be dedicated toward identifying and addressing healthcare disparities affecting Trentonians through the City of Trenton Department of Health & Human Services.

## **§ 487-27. 268-50 Payment; vendor violations and penalties.**

(1) The Chief Financial Officer shall collect and administer any transfer tax or user tax imposed to this section.

(2) The municipality shall enforce the payment of delinquent taxes or transfer fees imposed pursuant to this section in the same manner as provided for municipal real property taxes.

(3) 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.

(4) A municipality shall file in the office of its 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. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced."

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**Section 5** Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

**Section 6** Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

**Section 7** Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

INTRODUCTION:	MOTION: <i>Williams</i>				SECOND: <i>Feliciano</i>				ORD. AUTHORED BY:	ADOPTION	MOTION: <i>Williams</i>				SECOND: <i>Feliciano</i>			
	AYE	NAY	NV	AB	AYE	NAY	NV	AB			AYE	NAY	NV	AB	AYE	NAY	NV	AB
EDWARDS	✓							✓	GONZALEZ	✓				FRISBY	✓			
FELICIANO	✓				✓				HARRISON	✓								
FIGUEROA KETTENBURG	✓				✓				WILLIAMS	✓								

NV - NO VOTE      AB - ABSENT

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on OCT 05 2023

Adopted on second reading after the public hearing on OCT 19 2023

Mayor *[Signature]* APPROVED  
RECEIVED

Reconsidered by Council - Override Vote AYE  
NAY

President of Council *[Signature]*

City Clerk *[Signature]*