

BOROUGH OF RIVER EDGE

ORDINANCE #24-05

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 268, LICENSING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

BE IT ORDAINED, by the Mayor and Council of the Borough of River Edge, Bergen County, New Jersey, as follows:

Section 1. **Part II of** Chapter 268, Licensing, of the Revised General Ordinances of the Borough of River Edge is hereby amended to add thereto Article III, Establishments Selling Cannabis, to read in full as follows:

ARTICLE III. Establishments Selling Cannabis.

§ 268-25 Purpose.

The purpose of this article is to set forth the licensing requirements for Cannabis Establishments permitted to operate in the Borough of River Edge.

§ 268-26. Permitted and prohibited licenses.

- A. Permitted Licenses- Those businesses possessing a license issued by the State of New Jersey to operate and a Class 5 adult-use license pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), may apply for a license to operate within the Borough of River Edge, subject to all of the provisions of this ordinance and all applicable State standards and regulations.
- B. Prohibited Licenses: All other cannabis licenses, except a Class 5 License, are strictly prohibited from operating in the Borough of River Edge.

§ 268-27. Limitations on the number of licenses.

The Borough of River Edge may issue one (1) Class 5 Adult Use Cannabis License to operate within the Borough's limits

§ 268-28. License Required

It shall be unlawful for any person or any business or corporate entity to operate a Cannabis Establishment within the Borough of River Edge without first having procured an annual license from the Borough Clerk's Office.

- A. License fees; renewal; late fees.
 - 1. A Cannabis Establishment permitted to operate in the Borough shall pay the annual License Fee of \$15,000.00. The license fee is non-refundable upon approval of the license by the Mayor and Council.
 - 2. The licenses issued shall be effective for the calendar year in which it is issued, expiring on the 31st day of December of the year of issue, and may be renewable upon application for the succeeding calendar years thereafter. The fee for license renewals shall be due and payable on or before the first day of February in the year of renewal or be subject to late fees.
 - 3. The annual license fee shall be prorated for first-time applicant's that submit after June 1 of the initial year of operation.

4. Late fees. A late fee of \$100 shall be charged for renewal licenses which are not paid on/or before February 1 of the license year. An additional \$75 shall be charged for each month thereafter that the license fee is not paid.
- B. Application for license.
1. Any person or persons, business entity, corporation or corporations desiring to conduct, maintain or operate a permitted Cannabis Establishment within the Borough of River Edge shall complete the designated application form.
 2. Applications shall be submitted to the Borough Clerk and will be deemed complete upon submittal of all documentation and information described in herein to the satisfaction of the Governing Body.
 3. Subject to the provisions set forth below, licensing for a Cannabis Establishment will be on a reserve basis based on the order the application form is received until the number of permitted licenses is reached. A licensee's failure to submit a fully completed Cannabis Establishment Application after a period of ninety (90) days from the original date of submittal shall constitute a basis for the Governing Body to deem the application expired and subject the licensee to a loss of the reserve space.
 4. No further applications will be accepted when the Borough has obtained the number of completed application forms totaling the number of available licenses permitted by Ordinance.
 5. The following documentation and information shall be provided in order for the application to be deemed complete and the license issued:
 - a. A completed application form;
 - b. Payment of the annual license fee made payable to the "Borough of River Edge"; (If the application is denied or withdrawn prior to the issuance of a license by the Mayor and Council, the license fee shall be refunded.)
 - c. A copy of the current annual license issued by the State of New Jersey;
 - d. The Borough's Resolution of Local Support;
 - e. A copy of the land use board's Resolution approving the site plan;
 - f. Host Community Plan;
 - g. Such other information or documentation as determined to be necessary to assess compliance with the requirements set forth or referenced herein;

C. Notification of award.

Upon completion of the requirements set forth in paragraph B above, a notification of award shall be issued pursuant to Resolution by the Mayor and Council. The Borough Clerk's Office shall then issue the annual license.

§ 268-29 Display of license.

The license shall be prominently displayed at the location approved in the application. The licensee shall have the license in his possession at all times and shall display it upon the request of any police officer or any person with whom the licensee is doing business.

§268-30 Enforcement and Inspection.

- A. This section shall be enforced by the Borough of River Edge Health Department or such other municipal officials of the Borough of River Edge as may be designated by the Mayor and Council.

- B. Every Cannabis Establishment licensed to operate in the Borough shall be subject to inspection by Borough officials or agents, during reasonable hours, without prior notice. Failure or refusal on the part of the licensed Cannabis Establishment or its agents or employees to permit such inspection, maybe subject the Cannabis Establishment to suspension or revocation of the license.
- C. Should an inspection result in a documented violation in the form of a Complaint, the Cannabis Establishment must rectify the violation according to the Complaint or be subject to a suspension or revocation of the license.

§ 268-31 Revocation of license; causes.

- A. Any license or permit issued by the Borough may be revoked by the Borough Council after notice and hearing for any of the following causes:
 - 1. Fraud or misrepresentation in any application for a permit or license;
 - 2. Fraud, misrepresentation or other dishonesty in the conduct of the licensed activity;
 - 3. A violation of any provision of this article, §416-36.3 of Chapter 416 or Chapter 92 of the Revised General Ordinances of the Borough of River Edge;
 - 4. A conviction of the licensee for any felony or high misdemeanor or a misdemeanor or disorderly persons offense involving moral turpitude; or
 - 5. Conduct of the licensed activity, whether by the licensee himself or his agents or employees, in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the public health, safety or general welfare.
- B. Whenever a license has been issued immediately upon an application pending the results of the investigation provided for by this article, such license may be summarily revoked if the result of the investigation is such that would have resulted in denial of the application.

§ 268-32 Violations and penalties.

- A. Any person(s) who is found to be in violation of the provisions of this article shall be subject to the monetary penalties in addition to any order of suspension or revocation.
- B. For any and every violation of any of the provisions of this article, the violator of said provision will be subject to a fine of not less than \$100.00 and not more than \$2,000.00, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.
- C. These penalties are in addition to any penalties that may be imposed, including, but not limited to, penalties imposed by the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:170-51 et seq., and N.J.S.A. 2C:33-13.1 et seq.

Section 2. All other provisions of Chapter 268 of the Code are hereby ratified and shall remain unchanged.

Section 3. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 5. Upon adoption of this ordinance, after public hearing thereon, the Borough Clerk is directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted.

Section 6. This Ordinance shall be part of the Code of the Borough of River Edge as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 7. This Ordinance shall take effect immediately upon publication and final passage according to law.

INTRODUCED: February 26, 2024
 ADOPTED: March 25, 2024

	Motion	Second	Yes	No	Abstain	Absent
Kaufman	X		X			
Montisano-Koen			X			
Kinsella			X			
Malellari			X			
Benson		X	X			
Glass			X			
Mayor Papaleo						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of River Edge on March 25, 2024


 Thomas Papaleo, Mayor


 Anne Dodd, RMC