

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE 2014-14

ORDINANCE RETITLING CHAPTER 223, ARTICLE VI, SECTION 50 AS “MEDICAL MARIJUANA ALTERNATIVE TREATMENT CENTERS,” AMENDING SAME TO ALLOW MEDICAL MARIJUANA ALTERNATIVE TREATMENT CENTERS, AND SUPPLEMENTING CHAPTER 223, ARTICLE I, SECTION 5 TO DEFINE RELEVANT TERMS

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the City of Union City (the “City”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, the City has determined that businesses that sell and distribute medicinal and recreational marijuana require special concern for security and may not be in the best interest of the health, safety and welfare of the public; and

WHEREAS, the State of New Jersey has permitted the medicinal use of marijuana in limited circumstances via the Compassionate Use Medical Marijuana Act, P.L. 2009, c.307 (2010), codified at N.J.S. 24:6I-1, et seq. (“CUMMA”); and

WHEREAS, compassion dictates that a distinction be made between medical and non-medical uses of marijuana; and

WHEREAS, the City has determined that CUMMA adequately addresses any public health, safety and welfare concerns which may arise from the allowance of medical marijuana alternative treatment centers; and

WHEREAS, the City of Union City wishes to amend Chapter 223, Article VI, Section 50 of the Code of the City of Union City to allow for medical marijuana alternative treatment centers and supplement Chapter 223, Article I, Section 5 titled “Definitions” to include definitions relevant to the establishment of these facilities in the City of Union City;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that the Code of the City of Union City is hereby amended and revised as follows:

SECTION ONE:

Chapter 223, Article VI, Section 50 is hereby amended to read as follows:

§ 223-50 Medical Marijuana Alternative Treatment Centers

- A. Medical marijuana alternative treatment centers may be established and operate within the City of Union City, so long as such centers are authorized by, and operate in full compliance with, New Jersey’s Compassionate Use Medical Marijuana Act. P.L. 2009, c.307 (2010), codified at N.J.S. 24:6I-1, et seq. Medical marijuana alternative treatment centers are the only entities authorized to distribute marijuana within the City of Union City. No entity may purchase, sell, resell, manufacture, prepare, package or otherwise cause to enter into commerce, marijuana or any derivative thereof.

SECTION TWO:

Chapter 223, Article I, Section 5 titled “Definitions” is hereby supplemented to include definitions relevant to the allowance of medical marijuana alternative treatment centers in the City of Union City as follows:

“**MARIJUANA**” has the meaning given in N.J.S. 24:6I-2.

“**MEDICAL MARIJUANA ALTERNATIVE TREATMENT CENTER**” has the meaning given in N.J.S. 24:6I-2.

The following definitions are hereby deleted from Chapter 223, Article I, Section 5, titled, “Definitions:”

MARIJUANA CULTIVATION FACILITIES

MARIJUANA EXTRACT

MARIJUANA ITEMS

MARIJUANA PARAPHERNALIA

MARIJUANA PRODUCTS

MARIJUANA PRODUCT MANUFACTURING FACILITIES

MARIJUANA RETAILERS

MARIJUANA TESTING FACILITIES

MARIJUANA WHOLESALER

SECTION THREE:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION FOUR:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control. In all other respects, the Zoning and Land Use Regulations Ordinance of the City of Union City shall remain unchanged.

SECTION FIVE:

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION SIX:

This Ordinance shall take effect upon passage and publication as required by law.


Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	X			
Tilo E. Rivas	X			
Celin J. Valdivia	X			
Maryury A. Martinetti				X
Mayor Brian P. Stack	X			

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on April 10, 2018 and was further considered and adopted after a Public Hearing held on April 24, 2018 at the Bruce D. Walter Recreation Center, 507 West Street, Union City, New Jersey.

INTRODUCED: April 10, 2018

ADOPTED: April 24, 2018

ATTEST:


Erin Knoedler, City Clerk

April 24, 2018
DATE