

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

ORDINANCE 2018-03

**ORDINANCE AMENDING CHAPTER 223, ARTICLE VI TO INCLUDE SECTION 50
ENTITLED "PROHIBITION ON THE OPERATION OF MARIJUANA CULTIVATION
FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES,
MARIJUANA TESTING FACILITIES AND MARIJUANA RETAILERS" 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 is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, the State of New Jersey is considering the adoption of legislation legalizing marijuana and allowing for the distribution and sale of same within the State;

WHEREAS, the legislation legalizing marijuana in the State would permit local government entities to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or marijuana retailers through the enactment of an ordinance;

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

WHEREAS, the City of Union City wishes to amend Chapter 223, Article VI of the Code of the City of Union City to include Section 50 entitled "Prohibition on the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Marijuana Retailers" and supplement Chapter 223, Article I, Section 5 titled "Definitions" to include definitions relevant to the prohibition of these establishments in the City of Union City as authorized by N.J.S.A. 40:48-2;

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 is hereby amended to include Section 50 entitled "Prohibition on the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Marijuana Retailers" which will read as follows:

The operation of any marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and marijuana retailers is prohibited in the City of Union City.

SECTION TWO:

Chapter 223, Article I, Section 5 titled "Definitions" is hereby supplemented to include definitions relevant to the prohibition of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and marijuana retailers in the City of Union City as follows:

MARIJUANA

All parts of the plant Genus Cannabis 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; but shall not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

MARIJUANA CULTIVATION FACILITIES

An entity licensed to cultivate marijuana and sell marijuana to marijuana producers, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

MARIJUANA EXTRACT

A substance obtained by separating resins from marijuana by: (i) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; (ii) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (iii) any other process identified by the Division of Marijuana Enforcement in the Department of Law and Public Safety by rule.

MARIJUANA ITEMS

Marijuana, marijuana products, and marijuana extracts.

MARIJUANA PARAPHERNALIA

Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

MARIJUANA PRODUCTS

A product containing marijuana or marijuana extracts and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible products, ointments, and tinctures. Marijuana products do not include: (i) marijuana by itself; or (ii) marijuana extract by itself.

MARIJUANA PRODUCT MANUFACTURING FACILITIES

An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana items, and sell items to other marijuana product manufacturing facilities and to marijuana retailers, but not to consumers.

MARIJUANA RETAILERS

An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana items from marijuana product manufacturing facilities or marijuana wholesalers, and to sell marijuana and marijuana products to consumers.

MARIJUANA TESTING FACILITIES

An independent, third-party entity meeting accreditation requirements established by the Division of Marijuana Enforcement in the Department of Law and Public Safety that is licensed to analyze and certify the safety and potency of marijuana items.

MARIJUANA WHOLESALER

Any licensed person or entity who sells marijuana items or marijuana paraphernalia for the purpose of resale either to a licensed marijuana wholesaler or to a licensed marijuana retailer.

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				
Tilo E. Rivas				
Celin J. Valdivia				
Maryury A. Martinetti				
Mayor Brian P. Stack				

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on January 30, 2018 and was further considered after a Public Hearing held on February 13, 2018 at 7:00 PM at the Union City Housing Authority Pavilion, 3911 Kennedy Boulevard, Union City, New Jersey.

INTRODUCED: January 30, 2018
ADOPTED: February 13, 2018
ATTEST:

Erin Knoedler
City Clerk

DATE

SUMMARY OF ORDINANCE

This ordinance amends the zoning provisions of the Code to prohibit the operation of any marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and marijuana retailers in the City of Union City and defines the terms relevant for same.