

**BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY
ORDINANCE 21-CODE-872**

**AN ORDINANCE TO AMEND CHAPTER 8, CANNABIS, OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND PERTAINING TO
CANNABIS ESTABLISHMENTS AUTHORIZED UNDER THE “NEW JERSEY
CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE AND MARKETPLACE
MODERNIZATION ACT**

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

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

NOW THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Oakland, in the County of Bergen, State of New Jersey, that Chapter 8, Cannabis, is hereby amended as follows:

Section 1. The current text of Borough Ordinance, Chapter 8, Cannabis, shall hereby be amended to include the following:

§8-3 License required

No Cannabis Establishment or Cannabis Distributor shall sell, grow, manufacture, or distribute any Cannabis Items within the Borough without first obtaining a license in accordance with this Chapter.

§8-3.1 Issuing Authority.

All licenses required by this Chapter shall be issued by the Borough Clerk upon approval by the Mayor and Borough Council.

§8-3.2 Application for license.

- A. Any person or persons, corporation or corporations desiring to conduct, maintain or operate any Cannabis Establishments and Cannabis Distributor within the Borough of Oakland shall first make an application in writing to the Borough for a license to conduct and operate such business, giving the exact location where the business shall be conducted and the description of the business.

B. Cannabis Establishments and Cannabis Distributors - A request for a license to operate a Cannabis Establishment and Cannabis Distributor, including but not limited to occupancy and building permits, shall first be submitted for the approval of the Borough.

1. 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 Borough Clerk;
2. Subject to the provisions set forth below, licensing for a Cannabis Establishment and Cannabis Distributor will be on a reserve basis based on the order a fully completed Cannabis Establishment Application is received. 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 to deem the application expired and subject the licensee to a loss of the reserve space; and
3. No Applications will be reserved when occupancy permits have reached the maximum permitted by Ordinance.
4. The following documentation and information shall be provided in conjunction with the Application:
 - a. The contact information of the licensee, including but not limited to, the licensee's name, the principal place of business, a mailing address, e-mail address, fax number, and the primary point of contact for the application. The information shall be promptly updated as necessary;
 - b. A copy of the current State-approved license. If State license is pending, a signed affidavit giving a general description of the State license status with supporting documentation;
 - c. An affidavit or certification affirming compliance with all requirements of State and local law.
 - d. A general description of the proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, description of ingress and egress, proposed exterior lighting plan, and building code compliance;
 - e. A depiction of the site design, including identifying any matters requiring variance or waiver relief;
 - f. The proposed days and hours of operation, the anticipated building occupancy capacity, and the average number of customers and employees anticipated to frequent the facility on a daily basis;

- g. The anticipated parking demand and parking plan per the applicable Schedule of Off-Street Parking Requirements and available private parking supply.
- h. A depiction of the on-site traffic circulation, stacking, and queuing, and demonstrating the manner in which the facility's traffic will be managed so as to minimize the impact on adjacent roadways and neighborhoods;
- i. A proposed signage plan;
- j. A plan for disposal of refuse including disposal of any cannabis or cannabis byproducts which disposal method protects any portion thereof from being possessed or ingested by any person or animal, and which complies with applicable federal, state, and local regulations;
- k. A plan describing the mitigation measures and ventilation system that will be used to prevent any odor of cannabis off the premises;
- l. Applicants for a Cannabis Establishment shall coordinate with the Borough Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, access to surveillance systems, improved site lighting, and on-site law enforcement or security personnel. Said coordination shall occur in conjunction with any application for site plan, zoning permit or variance relief for a Cannabis Establishment and shall be ongoing, as needed, to address any security or safety issues.
- m. Cultivators and manufacturers must purchase their own water and recycle and purify any water that would be discharged into our aquifer.
- n. 10% of the cannabis business's workforce must be comprised of Oakland residents. Relief from this requirement may be provided by the Governing Body upon showing that this requirement cannot be met after sufficient recruitment efforts have been undertaken.
- o. The name(s) and location(s) of the offsite cultivation facilities associated with a dispensary, if any;
- p. Such other information or documentation as determined to be necessary to assess compliance with the requirements set forth or referenced herein;

§ 8-3.3 License Fees.

All licensed Cannabis Establishments and Cannabis Distributors shall pay the annual license fee of \$ 5,000 for each Class of License possessed.

§ 8-3.4 Inspection, of Premises.

All Cannabis Establishments and Cannabis Distributors shall be subject at all times to proper and reasonable inspection, during reasonable hours of the day and night, by the Borough or any of the officers or agents thereof. Failure or refusal on the part of the holder of such license or his agents or servants to permit such inspection, and/or the neglect or refusal on the part of any such persons to immediately correct and remedy any offensive or objectionable feature in connection therewith upon demand, such license may be forthwith revoked and canceled, and in addition thereto such person may be proceeded against for a violation hereof as hereinafter specified.

§ 8-3.5 Revocation of Licenses.

- A. A license issued under the terms and provisions of this chapter shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the Borough. Written notice of the time and place of such hearing shall be served upon the holder of such license at least ten (10) days prior to the date set for such hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing, the licensee or their representatives shall have an opportunity to be heard. Upon due consideration and deliberation, the complaint may be dismissed, or if the Borough concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held;
- B. If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the Borough, unless and until a new application for such license be submitted in accordance with this Chapter and shall be approved by the Borough Committee.

Section 2. 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 3. 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 4. This Ordinance shall be part of the Code of the Borough of Oakland 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 5. This Ordinance shall take effect immediately upon publication and final passage according to law.

ATTEST:

BOROUGH OF OAKLAND

Lisa M. Duncan, Borough Clerk

Linda H. Schwager, Mayor