

**BOROUGH OF ROSELLE
MAYOR AND COUNCIL
SPECIAL MEETING – AGENDA
JUNE 21, 2021 – 4:30 P.M.
[Amended]**

MEETING CALLED TO ORDER

FLAG SALUTE

INVOCATION

STATEMENT OF COMPLIANCE

This is to state for the record that this meeting is being held according to the requirements of the Open Public Meetings Act, Section 5, Chapter 231, P.L. 1975, by emailing Notice to the Home News Tribune and the Star Ledger Newspaper, by posting on the Borough Hall Bulletin Board and the Borough of Roselle Website, and by filing said notice in the Office of the Municipal Clerk.

ROLL CALL

Councilman Villeda, Councilman Bernier, Councilwoman Johnson, Councilwoman Thomas, Councilman Fortuna, Councilwoman Wilkerson, Mayor Shaw

ORDINANCE ON SECOND READING & FINAL PASSAGE—Ordinance Number 2657-21

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN ENTITLED “NORTH CHESNUT REDEVELOPMENT PLAN AMENDMENT NUMBER 2” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 ET SEQ. [Public Hearing Date June 21, 2021]

ORDINANCE ON INTRODUCTION & FIRST READING – Ordinance Number 2658-21

AN ORDINANCE AMENDING CHAPTER 370 “SMOKE-FREE POLICY,” ADDING CHAPTER 155 “CANNABIS ESTABLISHMENTS,” AMENDING CHAPTER 620 “SIGNS,” AND ADDING CHAPTER 465 “CANNABIS TRANSFER TAX AND USER TAX” [Proposed Public Hearing Date July 21, 2021]

ORDINANCE ON INTRODUCTION & FIRST READING – Ordinance Number 2659-21

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE CODE OF THE BOROUGH OF ROSELLE, CHAPTER 650, ARTICLE II, SECTION 650-4 DEFINITIONS; ARTICLE XII, ZONING, SECTION 650-88 D(7) USES, STRUCTURES AND BUILDINGS PROHIBITED IN THE BOROUGH OF ROSELLE; ARTICLE XII, ZONING, SECTION 650-95 B(1) and B(4) PERMITTED USES WITHIN THE BUSINESS/COMMERCIAL ZONE; ARTICLE XII, ZONING, SECTION 650-96 B(1) PERMITTED USES WITHIN THE

PROFESSIONAL OFFICE ZONE; ARTICLE XII, ZONING, SECTION 650-97 B(1) PERMITTED USES WITHIN THE INDUSTRIAL ZONE; ARTICLE XII, ZONING, SECTION 650-99 B(1) and B(3) PERMITTED USES WITHIN THE COMMERCIAL-INDUSTRIAL ZONE; TO AMEND AND SUPPLEMENT THE CENTRAL ROSELLE REVITALIZATION PLAN, AMENDMENT #9, TABLE 1 TO ADD PERMITTED USES; TO AMEND AND SUPPLEMENT THE FIRST AVENUE REDEVELOPMENT PLAN, AMENDMENT #2 TO ADD PERMITTED AND CONDITIONALLY-PERMITTED USES; TO AMEND AND SUPPLEMENT THE REDEVELOPMENT PLAN FOR BLOCK 3801, SECTION 6.2.A.1 TO ADD PERMITTED USES; AND TO AMEND AND SUPPLEMENT THE NORTH CHESTNUT STREET REDEVELOPMENT PLAN, AMENDMENT #2, SECTIONS B.1, B.2 and B.3 TO ADD PROHIBITED USES [Proposed Public Hearing Date July 21, 2021]

PUBLIC COMMENT

COUNCIL COMMENT

MAYOR'S COMMENTS

ADJOURNMENT

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2657-21

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN ENTITLED "NORTH CHESTNUT REDEVELOPMENT PLAN AMENDMENT NUMBER 2" PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on April 21, 2021, the Borough Council ("Borough Council") of the Borough of Roselle (the "Borough") adopted Resolution 2021-176 authorizing and directing the Planning Board to conduct a preliminary investigation of the properties designated as **BLOCK 3902, LOTS 19 AND 20** on the tax map of the Borough (hereinafter the "Study Area"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder operates as a finding of public purpose and the determination shall authorize the Borough and Borough Council to exercise all those powers provided by the Redevelopment Law for use in a redevelopment area, including, without limitation, the power of eminent domain to acquire any property in the delineated area (hereinafter referred to as a "Redevelopment Area"); and

WHEREAS, the Borough authorized the Borough Planner, Maser Consulting, P.A., now known as Colliers Engineering and Design ("Colliers") to prepare a determination of need study of the Study Area; and

WHEREAS, the said planner had submitted to the Planner Board a report entitled "Redevelopment Area Determination of Need Study Block 3902, Lots 19 and 20" prepared by Colliers dated May 13, 2021; and

WHEREAS, on May 26, 2021, after providing due notice, pursuant to N.J.S.A. 40A:12A-6(b)(3), the Planning Board conducted a public hearing in accordance with the Redevelopment Law to determine whether the Study Area qualified as an area in need of redevelopment and whether to recommend to the Borough Council to designate the Study Area as an area in need of redevelopment, without condemnation, pursuant to the criteria and requirements of the Redevelopment Law and the Planning Board at N.J.S.A. 40A:12A-5 et seq.,

and that said designation is necessary for the effective redevelopment of the area comprising the Study Area (the “Redevelopment Area”); and

WHEREAS, the Borough of Roselle, considered the Planning Board’s recommendation and Resolution recommending that the Redevelopment Area be designated as a non-condemnation redevelopment area, at its regularly scheduled public meeting on June 9, 2021, wherein members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, the Borough accepted the recommendation of the Planning Board to declare the Study Area as a Non-Condensation Redevelopment Area and passed resolution on June 9, 2021, finding that the subject property, Block 3902, Lots 19 and 20, inclusive of any and all streets, and right of ways as shown on the official Tax Map of the Borough of Roselle meets the criteria set forth in N.J.S.A. 40A:12A-5, for redevelopment designation and that the delineated area be and hereby is designated as an area in need of redevelopment, as a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, pursuant to the Redevelopment Law, the Borough Council caused a redevelopment plan for the Redevelopment Area to be prepared by Colliers, entitled “North chestnut Redevelopment Plan, Amendment Number 2” (the “Redevelopment Plan”); and

WHEREAS, the Borough Council desires to have the Planning Board review and comment upon the Redevelopment Plan, pursuant to the Redevelopment Law; and

WHEREAS, subject to receipt of the Planning Board’s recommendations concerning the Redevelopment Plan, the Borough Council believes that the adoption of the Redevelopment Plan is in the best interests of the Borough and the redevelopment of the Redevelopment Area;

WHEREAS, subject to receipt of the Planning Board’s recommendations concerning the Redevelopment Plan, the Borough Council believes that it is in the best interests of the Borough to name the **Union County Improvement Authority** as the Redevelopment Entity;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Roselle, in the County of Union, New Jersey that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER ORDAINED, pursuant to N.J.S.A. 40A:12A-7(e), the Borough Council hereby refers the Redevelopment Plan, as described on Exhibit A attached hereto, to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations and submit same to the Borough Council within 45 days after referral, as required by the Redevelopment Law.

BE IT FURTHER ORDAINED, contingent upon the receipt of the Planning Board's recommendations, the Borough Council hereby adopts the Redevelopment Plan, pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

BE IT FURTHER ORDAINED, the zoning ordinances of the Borough are hereby amended to include the amendments indicated in the Redevelopment Plan and the provisions therein.

BE IT FURTHER ORDAINED, the Union County Improvement Authority shall serve as Redevelopment Entity for purposes of implementing the Amended Redevelopment Plan for Blocks 3902, Lots 19 and 20, and exercising the powers granted to a redevelopment entity under the Redevelopment Law.

BE IT FURTHER ORDAINED, in case any one or more of the provisions of this Ordinance or the Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Redevelopment Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

BE IT FURTHER ORDAINED, if any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, this ordinance shall take effect 20 days after final passage and publication as prescribed by law.

Recorded Vote on Introduction Ordinance No. 2657-21 – June 9, 2021

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						x
Councilman Bernier	x		x			
Councilwoman Johnson			x			
Councilwoman Thomas		x	x			
Councilman Fortuna			x			
Councilwoman Wilkerson			x			

Recorded Vote on Final Passage of Ordinance No. 2657-21 – June 21, 2021

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilman Bernier						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						

____ Approved

____ Vetoed and returned to the Municipal Clerk with the following statement and objections:

Donald Shaw, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2657-21 was passed and adopted on second and final reading at a Special meeting of the Mayor and Council June 21, 2021, after 4:30 P.M., 210 Chestnut St., Roselle, NJ or via ZOOM ID# 835 9429 9741 /Phone 1-929-205-6099US (New York).

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2658-21

AN ORDINANCE AMENDING CHAPTER 370 "SMOKE-FREE POLICY," ADDING CHAPTER 155 "CANNABIS ESTABLISHMENTS," AMENDING CHAPTER 620 "SIGNS," AND ADDING CHAPTER 465 "CANNABIS TRANSFER TAX AND USER TAX"

WHEREAS, the Mayor and Council of the Borough of Roselle, in the County of Union, New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey (the "State"), wishes to create licensing requirements and land use regulations for regulated cannabis establishments that also protect the health, safety and general welfare of the community; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act (the "Act"), N.J.S.A. § 24:6I-1 to -30, permits the authorized cultivation, processing, manufacturing, preparing, packaging, transferring, sale, purchase, research, possession, use and consumption of medical cannabis and products created from or which include cannabis; and

WHEREAS, the Borough finds that expansion of the medical cannabis program in the State has provided needed compassionate relief to the many persons suffering from chronic and/or serious debilitating illnesses who may benefit; and

WHEREAS, on November 3, 2020, the citizens of the State voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis for persons twenty-one (21) years of age or older in the State, and further authorized municipalities to enact an additional municipal tax of up to two (2) percent on the receipts from each sale of cannabis, or products created from or which include cannabis, by any duly licensed Class 2 and 5 cannabis establishment and up to one (1) percent on the receipts from each sale of cannabis, or products created from or which include cannabis, by any duly licensed Class 3 cannabis establishment; and

WHEREAS, the Borough finds, given the Schedule I status of cannabis under the federal Controlled Substances Act, complexities with access to banking and the level of cash transactions in cannabis related businesses, and other concerns associated with cannabis-related businesses, that only qualified operations should be permitted to safely operate strictly regulated cannabis facilities in the municipality on a limited basis and subject to reasonable time, manner, and place restrictions, in order to balance

patients' and consumers' interests and the creation of jobs and economic opportunity within the Borough with public safety; and

WHEREAS, in light of the enactment of N.J.S.A. § 24:6I-31 to 56, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, it is in the best interest of the Borough to proactively establish licensing requirements for regulated cannabis establishments and imposing a municipal tax to support enforcement activities.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle that the Code of the Borough of Roselle, Part IV, is hereby amended as follows:

SECTION I. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION II. The Code of the Borough of Roselle, Part IV, General Ordinances, Chapter 370 Smoke-Free Policy, Section 3, Entitled "Definitions," is hereby amended and supplemented as follows (additions in **bold**, deletions ~~struck through~~):

§370-3 Definitions: As used in this chapter, the following terms shall have the meanings indicated:

SMOKING

The burning of any tobacco, **cannabis, or cannabis derived product**, whether used in a pipe, cigar, ~~or~~ cigarette, **or cannabis paraphernalia**.

SECTION III. The Code of the Borough of Roselle, Part IV, General Ordinances, is hereby supplemented by adding the following:

Chapter 155 Cannabis Establishments

§ 155-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CANNABIS.

A substance that is bought, sold, and used in accordance and consistent with the laws of New Jersey and the regulations promulgated by the New Jersey Cannabis Regulatory Commission.

CANNABIS DELIVERY SERVICE

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. Cannabis delivery services refer to those uses that require possession of a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR

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. Cannabis distributors refer to those uses that require possession of a Class 4 Cannabis Distributor license under the P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

CANNABIS ESTABLISHMENT

A cannabis cultivator, delivery service, distributor, manufacturer, retailer, and/or wholesaler.

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. Cannabis manufacturers refer to those uses that require a Class 2 Cannabis Manufacturer license under the P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. Cannabis retailers refer to those uses that require possession of a Class 5 Cannabis Retailer license under the P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.” This

includes medical cannabis alternative treatment centers. A cannabis retailer shall possess prior to commencing operations a permit or permit endorsement issued by the State of New Jersey that authorizes the dispensation or sale of cannabis or cannabis-derived or infused products.

CANNABIS WHOLESALER

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. Cannabis wholesalers refer to those uses that require of a Class 3 Cannabis Wholesaler license under the P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

§ 155-2 Cannabis establishments prohibited.

Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all Class 1 cannabis establishments are hereby prohibited from operating anywhere in the Borough of Roselle.

§ 155-3 Cannabis establishments allowed.

Class 2 through 6 Cannabis establishments shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

- A. The regulations of this Section are subject to the enabling authority of the State and are subject to compliance with all statutes and/or regulations adopted by the State or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State, the State statutes and/or regulations shall prevail.
- B. Prior to the operation of any cannabis establishment, a permit or license must be obtained from the State and from the Borough of Roselle for the applicable type of cannabis establishment. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
- C. Permitted and conditional uses shall, at all times, comply with the terms and conditions of the licensee’s cannabis establishment license for permits or licenses issued by the State of New Jersey and the Borough of Roselle.
- D. No cannabis establishment shall be allowed as a Home Occupation.
- E. No cannabis establishment shall be housed in a vehicle or any moveable or mobile structure.
- F. No cannabis establishment shall operate an outdoor cannabis consumption area within the Borough of Roselle.
- G. Odor. Cannabis establishments shall have equipment to mitigate odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises.

H. Noise. 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.

I. Security.

- (1) All cannabis establishments shall be secured in accordance with State of New Jersey Statutes and regulations; shall be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of cannabis, cannabis-derived or cannabis-infused products. Such footage must be maintained for the duration required under State law.
- (2) to the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. The security guard(s) shall be a State Certified Security Officer whose certification is in good standing and shall provide sufficient security to prevent the sale or diversion of cannabis items to persons under the legal age.
- (3) Hours. No cannabis retailer may open to customers for business before 7:00 am or remain open to customers for business after 10:00 pm.
- (4) Prohibited uses. Except as expressly permitted by this Chapter 155 of the Code of the Borough of Roselle, entitled Cannabis Establishments, any activity involving the cultivation manufacture, processing, testing, dispensation, distribution and/or sale of cannabis, cannabis-derived or infused products are expressly prohibited in all Public Use Zones, as defined in § 650-98 of this Code.

§ 155-4 On-Site signage.

- A. No State-licensed cannabis business shall display signage containing text and/or images intended to promote excessive consumption of legal cannabis products.
- B. Signage shall otherwise comply with the requirements of Chapter 620 Signs of this Code, to the extent permissible by applicable State laws and regulations governing signage standards for licensed cannabis establishments.

§ 155-5 Licensing.

A. Local licensing authority.

- (1) The governing body is hereby designated to act as the local licensing authority for the Borough for all cannabis establishments. Under all circumstances in which State law requires communication to the Borough 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 Borough of any action taken by the State licensing authority, the

exclusive authority for receiving such communications and granting such approvals shall be exercised by the Borough Administrator.

- (2) Under no circumstances shall a local license for a cannabis establishment issued by the governing body be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. It is in the intent of this Chapter that no cannabis establishment may lawfully operate in the Borough without the issuance of a State permit or license and full regulatory oversight of the cannabis establishment by the Cannabis Regulatory Commission or other state licensing authority as well as oversight and issuance of a license by the Borough.

B. Classification of licenses.

The Borough, subject to land use approval and State licensure, may issue the following municipal licenses to operate a cannabis establishment:

Class 2: Cannabis Manufacturer license

Class 3: Cannabis Wholesaler license

Class 4: Cannabis Distributor license

Class 5: Cannabis Retailer license

Class 6: Cannabis Delivery license

C. Maximum Number of Licenses.

The Borough may issue a maximum of two (2) Class 2 licenses, two (2) Class 3 licenses, two (2) Class 4 licenses, three (3) Class 5 licenses, and five (5) Class 6 licenses. To the extent permissible by State law, licensure in all classes may be, but are not required to be, held by the same entity or individual, but an entity may not hold more than one cannabis retailer license. Any license conditionally issued by the Borough is contingent upon the locally licensed entity's or individual's subsequent receipt of a State permit or license of the same class or type of regulated cannabis activity.

D. Application.

Individuals or entities wishing to obtain any classification of cannabis license shall file a license application with the Borough Clerk, on a standardized form established by the Administrator and available in the Clerk's office. The Administrator shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete and shall not be processed by the Borough Clerk unless all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

- (1) The applicant(s) 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 applicant contingent upon successful licensing.

- (2) The applicant(s) 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(s) 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 or ancestry, disability, marital status, sexual orientation, or military status, in any of its activities or operations.
- (3) 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.
- (4) The applicant(s) shall submit, to the satisfaction of the Clerk, proof of financial capability to open and operate the cannabis establishment for which the applicant is seeking a license. Standards for proof of financial capacity shall be determined by the governing body.
- (5) The applicant(s) shall submit all required nonrefundable fees for the application and conditional license in accordance with the following fee schedule:

(a) Standard Fee Schedule

Class 2 (Manufacturer):	\$ 10,000 per location
Class 3 (Wholesaler):	\$ 10,000 per location
Class 4 (Distributor):	\$ 10,000
Class 5 (Retailer):	\$ 10,000
Class 6 (Delivery):	\$ 5,000

(b) Reduction of Licensure Fee for Local, Minority, Women, and Veteran Owned Businesses

For all State licensed cannabis business operations, the licensing fee established within Section 155-5D(5) of the Borough Code shall be reduced by the following amounts if the business entity can demonstrate that it falls within one or more of the following categories:

- i. Any business that can provide a Minority Business Enterprise, or Women's Business Enterprise Certification from the State of New Jersey shall be entitled to a 25% reduction of the licensure application fee, or remaining fee if a reduction has already been applied under this section.
- ii. Any business that can provide proof that at least 1/3 of its employees are residents of the Borough of Roselle shall be entitled to a 25% reduction of the licensure fee, or

remaining fee if a reduction has already been applied under this section.

- iii. Any business that can provide proof that at least 50% of the business is owned by a military veteran, by producing a DD-214 for the owner or partial owner as well as proof of said veteran's ownership interest in the business, shall be entitled to a 25% reduction of the licensure fee, or remaining fee if a reduction has already been applied under this section.
- iv. In any event, a cannabis business shall be entitled to a maximum reduction of 50% of the licensure application fee, based on the categories listed within this section.

(6) The applicant(s) shall submit all annual license fees required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive a license:

(a) Standard Annual License Fee Schedule

Class 2:	\$ 10,000 per year
Class 3:	\$ 10,000 per year
Class 4:	\$ 10,000 per year
Class 5:	\$ 10,000 per year
Class 6:	\$ 5,000 per year

(b) Reduction of Annual License Fee for Local, Minority, and Women Owned Business

For all State licensed cannabis business operations, the annual registration established within Section 155-5D(6) of the Borough Code shall be reduced by the following amounts if the business entity can demonstrate that it falls within one or more of the following categories:

- i. Any business that can provide a Minority Business Enterprise, or Women's Business Enterprise Certification from the State of New Jersey shall be entitled to a 25% reduction of the annual registration fee, or remaining fee if a reduction has already been applied under this section.
- ii. Any business that can provide proof that at least 1/3 of its employees are residents of the Borough of Roselle shall be entitled to a 25% reduction of the annual registration fee,

or remaining fee if a reduction has already been applied under this section.

- iii. In any event, a cannabis business shall be entitled to a maximum reduction of 50% of the annual registration fee, based on the categories listed within this section.

- (7) In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of a subdivision thereof within the preceding five (5) years.
- (8) The applicant(s) and the application shall otherwise comply with any and all qualification standards set forth in the State and Borough laws or regulations.
- (9) In the event there are multiple applicants for a license, the governing body shall evaluate all applicants and issue a notification of award after consideration and evaluation of the following criteria:
 - (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 and where the value of owners' experience shall outweigh the experience of non-owner principals (twenty percent, not to exceed 2,500 words);
 - (b) Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement (five percent, not to exceed 1,000 words), and a summary of the applicant's plan for storage of products and currency, physical security, video surveillance, security personnel, and visitor management (five percent, not to exceed 2,500 words);
 - (c) Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research (five percent, not to exceed 2,500 words), whether the applicant has had any assurance accepted by the U.S. Department of Health and Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (five percent), 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 (five percent);

- (d) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement 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 municipality (twenty percent in total; five points for labor peace, full twenty points for collective bargaining agreement in effect for at least one year);
 - (e) Summary of the applicant's environmental impact and sustainability plan (four percent, not to exceed 500 words); 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 (three percent); 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 (three percent);
 - (f) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in the Borough of Roselle for five (5) or more years in the past ten (10) years or at least one shareholder's continuous ownership of a business based in the Borough of Roselle for five (5) or more years in the past ten (10) years (five percent); and
 - (g) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business (twenty percent in total; ten points for one certification and twenty points for two or more).
- (10) Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification on for up to twelve (12) months, which may be extended in the Administrator's discretion for an additional 6 months for good cause. No license to operate shall issue until the

applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Administrator shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

(11) Reconsideration/Appeal Procedure.

Unsuccessful applicant(s) may petition the governing body within thirty (30) days of issuance of a final determination regarding the subject application for a review of the evaluation by the governing body and opportunity to clarify any portion of the application which resulted in an unfavorable final determination by the governing body. Final Determinations of the Mayor and Council regarding issuance of a license to operate a cannabis establishment shall only be overturned upon a showing by the applicant that the denial of a license was based on arbitrary, capricious, or unreasonable evaluations by the governing body, or due to any recognized injustice. However, under no circumstances will the governing body be obligated to award licenses above the limits established in Section 155-5C.

E. Term of License and License Renewals.

- (1) Any local license issued pursuant to this Chapter shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.
- (2) The Administrator may, at their discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
- (3) 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.
- (4) Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premises shall be subject to Borough Planning review and zoning approval.
- (5) Except where the Borough Clerk has received a complete renewal application along with the requisite fees and the governing body 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.

§ 155-6 Disciplinary actions; sanctions; penalties.

A. Disciplinary actions.

Procedures for investigation of license violations and for suspension, revocation, or other licensing sanctions as a result of any such violation shall be as follows:

- (1) First offense: Up to \$250 per violation per day;
- (2) Second offense: Up to \$500 per violation per day;
- (3) Third violation shall result in summary suspension.

B. Summary suspension.

Notwithstanding the foregoing section, when the Administrator has reasonable grounds to believe that a license 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 Administrator may enter a summary suspension order for the immediate suspension of such license pending further investigation.

- (1) The summary suspension order shall be in writing and shall state the reasons therefore. The license shall be afforded an opportunity for a hearing as outlined herein.
- (2) The Administrator shall convene a review panel consisting of the Administrator, a second administrative officer designated by the Public Safety Committee, and the Chief of Police. The hearing shall be scheduled within 30 days of the date of the summary suspension order.
- (3) The review panel is authorized to impose any fines, conditions, restrictions, suspensions, or combination(s) thereof authorized by the State. In the absence of State specified penalties, the Borough may issue fines up to, but not to exceed, \$2,000 per offense and/or suspension of license for a period not to exceed ninety (90) days.

C. Inactive licenses.

Following the commencement of retail sales of cannabis or cannabis products, the Administrator may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least six (6) months.

D. State license.

The Administrator may suspend or revoke any license if the corresponding State license or permit for the subject location is expired, surrendered, suspended, or revoked.

SECTION IV. The Code of the Borough of Roselle, Part V, Taxation, is hereby supplemented by adding the following:

Chapter 465 Cannabis Transfer Tax and User Tax

§ 465-1 Cannabis transfer tax.

A transfer tax is hereby imposed on the sale of cannabis or cannabis items by cannabis establishments in the Borough of Roselle. The tax shall be imposed on receipts from the sale of cannabis items from one cannabis establishment to

another cannabis establishment and receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older according to the following rates:

- A. Cannabis Manufacturer (Class 2): two percent (2%) of receipts from each sale
- B. Cannabis Wholesaler (Class 3): one percent (1%) of receipts from each sale
- C. Cannabis Retailer (Class 5): two percent (2%) of receipts from each sale

§ 465-2 Cannabis user tax.

A user tax is hereby imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to § 465-1, from the license holder's establishment that is located in the Borough to any of the other license holder's establishments, whether located in the Borough or another municipality. The user tax rate shall be equivalent to the rate specified in § 465-1.

§ 465-3 Additional tax.

The cannabis transfer tax and user tax imposed by this Chapter is in accordance with the provisions of State law and shall be in addition to any other tax or charge.

§ 465-4 Collection.

The cannabis transfer tax or user tax shall be collected or paid, and remitted to the Borough 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 municipality by the cannabis retailer selling the cannabis item to that consumer.

§ 465-5 Transparency.

The cannabis 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.

§ 465-6 Liability.

Each cannabis establishment required to collect the transfer tax or user tax imposed by this Chapter shall be personally liable for the tax imposed, collected, or required to be collected under this Chapter.

§ 465-7 Payment to Borough.

All revenues collected by a cannabis establishment from the transfer tax or user tax imposed by this Chapter shall be remitted to the Borough's Chief Financial Officer on a quarterly basis according to the same schedule as payment of municipal real property taxes.

§ 465-8 Late payment; interest; lien.

The Borough shall enforce the payment of delinquent taxes under this Chapter in the same manner as provided for the collection of municipal real property taxes. Any unpaid balance shall accrue interest according to the same schedule and rates as delinquent property taxes. In the event that the tax imposed by this Chapter 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. Any such lien shall be filed in the office of the Tax Collector and enforced as a municipal lien in the same manner as all other municipal liens are enforced.

§ 465-9 Annual audit.

Each cannabis establishment required to collect the transfer tax or user tax imposed by this Chapter shall provide to the Borough's Chief Financial Officer an annual audited statement which clearly identifies the calculation of gross receipts for the cannabis establishment during the previous year. The annual audited statement shall be prepared by a certified public accountant and shall be submitted to the Borough within 90 days of the close of the fiscal year. Failure to timely submit the annual audit may be considered grounds for non-renewal of the establishment's license.

SECTION V. The Code of the Borough of Roselle, Part VIII, Chapter 620-2 Prohibited signs is hereby supplemented by adding the following:

- P. Signs containing text and/or images intended to promote excessive consumption of legal cannabis products.

SECTION VI. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefore.

SECTION VII. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby replaced and/or repealed to the extent of such inconsistency.

SECTION VIII. This Ordinance shall take effect at the time and in the manner provided by law.

Recorded Vote on Introduction Ordinance No. 2658-21 – June 21, 2021

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilman Bernier						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						

Recorded Vote on Final Passage Ordinance No. 2658-21 - July 21, 2021

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilman Bernier						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						

___Approved

___Vetoed and returned to the Municipal Clerk with the following statement and objections:

Donald Shaw, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2658-21 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council on July 21, 2021 after 6:30 P.M., 210 Chestnut St., Roselle, NJ.

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2659-21

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE CODE OF THE BOROUGH OF ROSELLE, CHAPTER 650, ARTICLE II, SECTION 650-4 DEFINITIONS; ARTICLE XII, ZONING, SECTION 650-88 D(7) USES, STRUCTURES AND BUILDINGS PROHIBITED IN THE BOROUGH OF ROSELLE; ARTICLE XII, ZONING, SECTION 650-95 B(1) and B(4) PERMITTED USES WITHIN THE BUSINESS/COMMERCIAL ZONE; ARTICLE XII, ZONING, SECTION 650-96 B(1) PERMITTED USES WITHIN THE PROFESSIONAL OFFICE ZONE; ARTICLE XII, ZONING, SECTION 650-97 B(1) PERMITTED USES WITHIN THE INDUSTRIAL ZONE; ARTICLE XII, ZONING, SECTION 650-99 B(1) and B(3) PERMITTED USES WITHIN THE COMMERCIAL-INDUSTRIAL ZONE; TO AMEND AND SUPPLEMENT THE CENTRAL ROSELLE REVITALIZATION PLAN, AMENDMENT #9, TABLE 1 TO ADD PERMITTED USES; TO AMEND AND SUPPLEMENT THE FIRST AVENUE REDEVELOPMENT PLAN, AMENDMENT #2 TO ADD PERMITTED AND CONDITIONALLY-PERMITTED USES; TO AMEND AND SUPPLEMENT THE REDEVELOPMENT PLAN FOR BLOCK 3801, SECTION 6.2.A.1 TO ADD PERMITTED USES; AND TO AMEND AND SUPPLEMENT THE NORTH CHESTNUT STREET REDEVELOPMENT PLAN, AMENDMENT #2, SECTIONS B.1, B.2 and B.3 TO ADD PROHIBITED USES

WHEREAS, the Mayor and Council of the Borough of Roselle, in the County of Union, New Jersey (the “Borough”), a public body corporate and politic of the State of New Jersey (the “State”), wishes to create licensing requirements and land use regulations for regulated cannabis establishments that also protect the health, safety and general welfare of the community; and

WHEREAS, the Jake Honig Compassionate Use Medical Cannabis Act (the “Act”), N.J.S.A. § 24:6I-1 to -30, permits the authorized cultivation, processing, manufacturing, preparing, packaging, transferring, sale, purchase, research, possession, use and consumption of medical cannabis and products created from or which include cannabis; and

WHEREAS, the Borough finds that expansion of the medical cannabis program in the State has provided needed compassionate relief to the many persons suffering from chronic and/or serious debilitating illnesses who may benefit; and

WHEREAS, on November 3, 2020, the citizens of the State voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis for persons twenty-one (21) years of age or older in the State,

and further authorized municipalities to enact an additional municipal tax of up to two (2) percent on the receipts from each sale of cannabis, or products created from or which include cannabis, by any duly licensed Class II and V cannabis establishment and up to one (1) percent on the receipt from each sale of cannabis, or product created from or which include cannabis, by any duly licensed Class III cannabis establishment; and

WHEREAS, the Borough finds, given the Schedule I status of cannabis under the federal Controlled Substances Act, complexities with access to banking and the level of cash transactions in cannabis related businesses, and other concerns associated with cannabis-related businesses, that only qualified operations should be permitted to safely operate strictly regulated cannabis facilities in the municipality on a limited basis and subject to reasonable time, manner, and place restrictions, in order to balance patients' and consumers' interests and the creation of jobs and economic opportunity within the Borough with public safety; and

WHEREAS, in light of the enactment of N.J.S.A. § 24:6I-31 to 56, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, it is in the best interest of the Borough to proactively establish zoning requirements for regulated cannabis establishments; and

WHEREAS, the establishment of these new cannabis zoning requirements within the Borough shall also cause the need to amend various Redevelopment Plans pertaining to any affected zones and/or areas.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle that the Code of the Borough of Roselle, Chapter 650, the Central Roselle Revitalization Plan, Amendment #9, Table 1 and Section 3.2, the First Avenue Redevelopment Plan Amendment #2, Section VIII.A.1, First Avenue Redevelopment Plan Amendment #2, Section VIII.A.3, First Avenue Redevelopment Plan Amendment #2, Section VIII.B.1, the Redevelopment Plan for Block 3801, Section 6.2.A.1, the North Chestnut Street Redevelopment Plan Amendment #2, Section B.1, North Chestnut Street Redevelopment Plan Amendment #2, Section B.2, and North Chestnut Street Redevelopment Plan Amendment #2, Section B.3 are hereby amended as follows:

SECTION I. The Code of Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 650-4 Definitions is hereby supplemented by adding the following alphabetically:

CANNABIS DELIVERY SERVICE

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. Cannabis delivery services refer to those uses that require possession of a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR

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. Cannabis distributors refer to those uses that require possession of a Class 4 Cannabis Distributor license under the P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

CANNABIS ESTABLISHMENT

A cannabis cultivator, delivery service, distributor, manufacturer, retailer, and/or wholesaler.

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

Cannabis manufacturers refer to those uses that require a Class 2 Cannabis Manufacturer license under the P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

Cannabis retailers refer to those uses that require possession of a Class 5 Cannabis Retailer license under the P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.” This includes medical cannabis alternative treatment centers. A cannabis retailer shall possess prior to commencing operations a permit or permit endorsement issued by the State of New Jersey that authorizes the dispensation or sale of cannabis or cannabis-derived or infused products.

CANNABIS WHOLESALE

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. Cannabis wholesalers refer to those uses that require of a Class 3 Cannabis Wholesaler license under the P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

SECTION II. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 88.D(7) Uses, structures and buildings prohibited in the Borough of Roselle is hereby supplemented by adding the following:

- (b) No cannabis establishment shall be allowed as a Home Occupation.
- (c) No cannabis establishment shall be housed in a vehicle or any moveable or mobile structure.
- (d) No cannabis establishment shall operate an outdoor cannabis consumption area within the Borough of Roselle.

SECTION III. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 95.B(1) Permitted uses in Business/Commercial Zone is hereby supplemented by adding the following:

- (j) Cannabis delivery service.

SECTION IV. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 95.B(4) Conditional uses in Business/Commercial Zone is hereby supplemented by adding the following:

- (l) Cannabis retailer, which shall meet the following conditions:
 - [1] Said establishment shall be licensed and shall be located more than 1000 feet from the property line of any elementary or secondary school property.
 - [2] No outdoor consumption areas are permitted.

SECTION V. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 96.B(1) permitted uses in Professional Office Zone is hereby supplemented by adding the following:

- (f) Cannabis delivery service.

SECTION VI. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 97.B(1) permitted uses in Industrial Zone, is hereby supplemented by adding the following:

- (f) Cannabis delivery service.
- (g) Cannabis manufacturer.
- (h) Cannabis wholesaler.
- (i) Cannabis distributor.

SECTION VII. The code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 99.B(1) Permitted Uses in Commercial-Industrial Zone, is hereby supplemented by adding the following:

- (l) Cannabis delivery service.

- (m) Cannabis manufacturer.
- (n) Cannabis wholesaler.
- (o) Cannabis distributor.

SECTION VIII. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 99.B(3) conditional uses in Commercial-Industrial Zone, is hereby supplemented by adding the following:

- (l) Cannabis retailer, which shall meet the following conditions:
 - [1] Said establishment shall be licensed and shall be located more than 1000 feet from the property line of any elementary or secondary school property.
 - [2] No outdoor consumption areas are permitted.

SECTION IX. The Central Roselle Revitalization Plan, Amendment #9, Table 1 is hereby supplemented by adding the following:

1. To the Commercial Mixed-Use Sub Zone cannabis delivery service, cannabis manufacturer that makes or assembles cannabis products for an integrated cannabis retailer. However, no outdoor cannabis consumption areas are permitted.
2. To the Flex Industrial Sub Zone cannabis delivery service, cannabis manufacturer, and cannabis distributor.

SECTION X. The Central Roselle Revitalization Plan, Amendment #9, Section 3.2 Permitted Land Uses, page 6 is hereby supplemented by adding the following: B. Cannabis retailer, when the following conditions are met:

1. Said establishment shall be licensed and shall be located more than 1000 feet from the property line of any elementary or secondary school property.
2. No outdoor consumption areas are permitted.

SECTION XI. The First Avenue Redevelopment Plan Amendment #2, Section VIII.A.1. "Permitted Uses" is hereby amended by adding the following:
j. Cannabis delivery service.

SECTION XII. The First Avenue Redevelopment Plan Amendment #2, Section VIII.A.3. "Conditional Uses" is hereby amended by adding the following:

- a. Cannabis retailer, which shall meet the following conditions:
 - i. Said establishment shall be licensed and shall be located more than 1000 feet from the property line of any elementary or secondary school property.
 - ii. No outdoor consumption areas are permitted.

SECTION XIII. The First Avenue Redevelopment Plan Amendment #2, Section VIII.B.1. is hereby supplemented by adding the following:

- h. Cannabis retailer. However, no outdoor consumption areas are permitted.

- i. Cannabis delivery service.

SECTION XIV. The Redevelopment Plan for Block 3801, Section 6.2.A.1. is hereby supplemented by adding the following:

- (e) Cannabis retailer. However, no outdoor consumption areas are permitted.

SECTION XV. The North Chestnut Street Redevelopment Plan Amendment #2, Section B entitled “Land Use Regulations,” Subsection 1. entitled “North Chestnut Street Redevelopment Sub-Zone” is hereby amended and supplemented as follows (additions in **bold**, deletions struck through):

- (d) ~~Bulk Regulations: All Permitted Principal Uses, Except for Automotive Gasoline and/or Service Stations~~ **Prohibited Uses**
 - (1) Cannabis Establishments (all classes)**
- (e) ~~Bulk Regulations: Automotive Gasoline and/or Service Stations~~ **Bulk Regulations: All Permitted Principal Uses, Except for Automotive Gasoline and/or Service Stations**
- (f) ~~Buffers: Commercial uses shall provide a buffer along any property line shared with a property containing a one- or two-family residential use or zoned for one- or two-family residential development. Said buffer shall be at least 15 feet wide; with a six-foot-high board on board fence, or approved equivalent fence, constructed along the property line. The buffer strip shall be planted with dense evergreen trees not less than 6 feet tall at the time of planting and spaced not less than 10 feet on center; along with flowering deciduous and broadleaf evergreen material to create a visual barrier and aesthetically appealing appearance.~~ **Bulk Regulations: Automotive Gasoline and/or Service Stations.**
- (g) ~~Off-Street Parking Requirements:~~ **Buffers: Commercial uses shall provide a buffer along any property line shared with a property containing a one- or two-family residential use or zoned for one- or two-family residential development. Said buffer shall be at least 15 feet wide; with a six-foot-high board on board fence, or approved equivalent fence, constructed along the property line. The buffer strip shall be planted with dense evergreen trees not less than 6 feet tall at the time of planting and spaced not less than 10 feet on center; along with flowering deciduous and broadleaf evergreen material to create a visual barrier and aesthetically appealing appearance.**
- (h) ~~Bicycle Parking & Storage Requirements:~~ **Off-Street Parking Requirements.**
- (i) ~~Loading Requirements: Facilities for loading and unloading shall be provided on the property in other than the front yard. Each development shall demonstrate the adequacy of the proposed loading areas to meet the requirements of the proposed use.~~ **Bicycle Parking & Storage Requirements:**
- (j) **Loading Requirements: Facilities for loading and unloading shall be provided on the property in other than the front yard. Each development shall demonstrate the adequacy of the proposed loading areas to meet the requirements of the proposed use.**

SECTION XVI. The North Chestnut Street Redevelopment Plan Amendment #2, Section B entitled “Land Use Regulations,” Subsection 2. entitled “Third Avenue Residential Stabilization Sub-Zone,” is hereby amended and supplemented as follows (additions in **bold**, deletions ~~struck through~~):

(c) ~~Bulk Regulations~~ **Prohibited Uses**

(1) **Cannabis Establishments (all classes)**

(d) ~~Off-Street Parking Requirements: Residential Site Improvement Standards (RSIS)~~ **Bulk Regulations**

(e) **Off-Street Parking Requirements: Residential Site Improvement Standards (RSIS)**

SECTION XVII. The North Chestnut Street Redevelopment Plan Amendment #2, Section B entitled “Land Use Regulations,” Subsection 3. entitled “Library Sub-Zone,” is hereby amended and supplemented as follows (additions in **bold**, deletions ~~struck through~~):

(c) ~~Bulk Regulations:~~ **Prohibited Uses**

(1) **Cannabis Establishments (all classes)**

(d) ~~Off-Street Parking Requirements: Municipal uses shall provide sufficient parking for the associated use.~~ **Bulk Regulations:**

(e) ~~Bicycle Parking Requirements: Provide at least 10 bicycle parking spaces.~~ **Off-Street Parking Requirements: Municipal uses shall provide sufficient parking for the associated use.**

(f) **Bicycle Parking Requirements: Provide at least 10 bicycle parking spaces.**

SECTION XVIII. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefore.

SECTION XIX. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby replaced and/or repealed to the extent of such inconsistency.

SECTION XX. This Ordinance shall take effect at the time and in the manner provided by law.

Recorded Vote on Final Passage Ordinance No. 2659-21 – July 21, 2021

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilman Bernier						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						

___Approved

___Vetoed and returned to the Municipal Clerk with the following statement and objections:

Donald Shaw, Mayor DATE:

NOTICE is hereby given that Ordinance Number 2659-21 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council on July 21, 2021 after 6:30 P.M., 210 Chestnut St., Roselle, NJ.

Lydia D. Massey, Acting Municipal Clerk