

**O-22-16**

**4/20/22**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, NEW JERSEY ESTABLISHING CHAPTER 39, RECREATIONAL CANNABIS.**

\*\*The City of Bayonne, Chapter 39, Recreational Cannabis, is adopted as follows:

**§ 39-1 Cannabis Application Review**

**§ 39-1.1 Cannabis Preliminary Review Board**

- a. There is hereby created a City of Bayonne Cannabis Preliminary Review Board ("Review Board") which shall serve as an advisory committee to the City of Bayonne Council whose duty it shall be to (i) review preliminary applications for cannabis cultivator, cannabis manufacturer, cannabis retailer and cannabis delivery operations based within the City of Bayonne (ii) conduct hearings with the applicants and (iii) provide a recommendation to the Council for a Resolution of Support.
- b. The Review Board shall be comprised of three members: the Mayor or his or her designee, a City Councilmember to be designated by Council and the Director of Public Safety or his or her designee. The Mayor shall serve for his or her term and the Mayor's designee shall serve for the term of the Mayor who appointed him or her and until a successor is appointed. The Council designee shall be appointed on an annual basis at the City Council's reorganization meeting. Director of Public Safety or his or her designee shall be appointed on annual basis.
  1. Alternate Members to Serve in the Event of a Conflict. If a member(s) of the Review Board is prohibited by a conflict of interest from acting on a matter due to the member's personal or financial interest, the Health Officer or his or her designee shall be appointed, for that matter only and shall serve as a temporary member.
- c. The Review Board and the actions thereof are subject to the enabling authority of the State of New Jersey "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Personal Use Act"). If any provision of this section is found to be inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.

**§ 39-1.2. Purpose.**

The purpose of the Cannabis Review Board is to assure the public health, safety, and general welfare of the City of Bayonne and its residents, business establishments and visitors and to provide a recommendation to the Council for the Resolution of Support of an application for a cannabis establishment within the City of Bayonne.

**§ 39-1.3. Definitions.**

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

**CANNABIS ACT** – Shall mean the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Personal Use Act"), N.J.S.A. 24:6I-31 to 24:6I-56.

**CANNABIS CONSUMPTION** – Cannabis consumption areas are prohibited.

**CANNABIS CULTIVATOR** – Shall mean a State regulated facility involved in growing, cultivating or producing cannabis. The facility sells, and may transport cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class I Cannabis Cultivator License.

**CANNABIS DELIVERY SERVICE** – Shall mean any licensed person or entity that is provides courier services for consumer purchases of cannabis products and related supplies fulfilled by a cannabis retailer to make deliveries of the cannabis items and related supplies to that consumer. These delivery services shall only operate in commercial vehicles identifying the business logo. Delivery vehicles associated with cannabis delivery services and cannabis retailer shall not be parked on the street overnight. This person or entity shall hold a Class VI Cannabis Delivery License.

**CANNABIS ESTABLISHMENT** – Shall mean a cannabis cultivator, a cannabis manufacturer or cannabis retailer.

**CANNABIS MANUFACTURER** – Shall mean a State regulated facility that processes cannabis items 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. This person or entity shall hold a Class II Cannabis Manufacturer License.

**CANNABIS RETAILER** – Shall mean a State-regulated cannabis retailer 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. This person or entity shall hold a Class V Cannabis Retailer License.

**CERTIFICATE OF ZONING COMPLIANCE** – Shall mean a recommendation letter from the City of Bayonne Zoning Officer verifying that the cannabis establishment is located within a permitted zones listed in Chapter 35-5.13 and 5.17 of the Revised General Ordinances of the City of Bayonne.

**CONSUMER** – Shall mean a person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

**§ 39-2 Preliminary application and review process and administration fee and support Resolution.**

a. **Classification of licenses.** The City, subject to land use approval and State licensure, may issue the following municipal licenses to operate the following cannabis establishments or delivery service:

Class I: Cannabis cultivator license

Class II: Cannabis manufacturer license

Class V: Cannabis retailer license

Class VI: Cannabis delivery license

b. **Maximum number of licenses.** The City may issue a maximum of one (1) Class I license, one (1) Class II license, two (2) Class V licenses, and two (2) Class VI licenses. The City adopts license limitations per N.J.A.C. 17:30-6.8.

- c. **Location.** The City of Bayonne hereby permits a Class I Cultivator, Class II Manufacturer, Class V Retailer and Class VI Bayonne-based Delivery Service to operate in the designated H-C (Highway Commercial/Selected Light Industrial District and I-H (Heavy Industrial District) as listed in Chapter 35 of the Revised General Ordinances, Zoning Regulations, Section 5 District Regulations, Subsections 5.13 and 5.17.
- d. **Enabling authority.** The requirements of this section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this section is inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.
- e. **Administrative and municipal preliminary application fees.** The applicant shall submit all required nonrefundable fees for the preliminary application process and certificate of zoning compliance in accordance with the following fee schedule.
  - 1. Applicant shall not apply for a preliminary license seeking a Resolution of Support without first obtaining a conditional license from the State of New Jersey.
  - 2. The preliminary application fee for a Resolution supporting the application for a cannabis license for a cannabis cultivator, cannabis manufacturer or cannabis retailer shall be \$2,500.
  - 3. The preliminary application fee for a Resolution supporting the application for a cannabis delivery service shall be \$1,500.
  - 4. The certificate of zoning compliance is \$50.00.
- f. **Preliminary Application.** Person or entity wishing to obtain any classification of cannabis license shall file a preliminary license application with the Review Board, on a standardized form available online (link available at the Official City of Bayonne Website). A hearing will be conducted by the Review Board evaluating all applicants. An applicant shall not be entitled to a hearing by the Board, until all documents and application fees are submitted. To be deemed complete, preliminary applications shall adhere to all deadlines and accompanied by the following:
  - 1. All preliminary applications must be submitted by no later than June 17, 2022.
  - 2. Applicant is required to obtain a certificate of zoning compliance. In order to obtain a certificate of zoning compliance, the applicant shall submit proof to the zoning officer 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 entrant contingent upon successful licensing and that the location is within in one of the permitted zones. (See Chapter 35 of the Revised General Ordinances, Zoning Regulations, Section 5 District Regulations, Subsections 5.13 and 5.17.).

3. On July 15, 2022, notices will go out scheduling the date and time of the hearings. No rescheduling dates will be provided unless for extraordinary circumstances.
4. The Review Board shall receive and review all preliminary applications for cannabis cultivator, cannabis manufacturer, cannabis retailer and cannabis delivery service and certificate of zoning compliance and conduct hearings with each applicant. The Review Board will review, score, and provide a recommendation to the Council for a Resolution of Support in accordance with rankings of scores assigned by priority requirements set by the municipality in a highest priority-based system. The Review Board shall either provide a recommendation to the Council for a resolution supporting the applicant for a cannabis license or deny the application. Prior to a Review Board hearing, the applicant shall provide the Review Board with a certificate of zoning compliance in accordance with paragraph 2 above. The Review Board recommendation for support shall come after the hearing date between the applicant and the Board.
5. **Preliminary Hearing.** The Review Board shall evaluate all applicants 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 of New Jersey 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 plans 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' 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);

- (d) 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);
- (e) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in Bayonne for five or more years in the past ten years or at least one shareholder's continuous ownership of a business based in Bayonne for five or more years in the past ten years (five percent);
- (f) 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);
- (g) Applicant's willing commitment to the community and its support for, by example, local cannabis education programs, local employment and jobs training, public safety programs, the Special Improvement District (SID) or other mutually beneficial community investments;
- (h) Applicant must demonstrate good character and pass a criminal background check. Applicant is required to produce a fingerprint-based criminal background check performed through the State by way of IdentoGo for all persons proposed to have an ownership

interest in the license. No fingerprint-based criminal background check older than 90 days will be accepted;

- (i) Any applicant having an ownership interest in the license shall not have been disciplined for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years;
- (j) Any applicant having 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 New Jersey or a subdivision thereof within the preceding five (5) years;
- (k) Applicant 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 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 (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations; and
- (l) Applicant's overview plans for security, reduction of noise, water conservation and odor control.

6. If a recommendation for support for either a Class I, Class II, Class V or Class VI License is approved by the City of Bayonne Council, the applicant must then return to the State to finish obtaining a State License.

7. A waiting list shall be kept of the applicants that have gone through the hearing process and ranked by the Review Board for a period of 6 months from the date the last Resolution of Support was approved by the City Council. If an applicant that received a Resolution of Support for either a Class I, Class II, Class V or Class VI is denied a State License, the Board will contact the next applicant on the waiting list in order of ranking and determine the applicant's continued interest in obtaining a Resolution of Support from the City of Bayonne. If an applicant continues to express an interest in obtaining a Resolution of Support, the Board will provide a recommendation to the Council for a Resolution of Support as to the next applicant on the waiting list.

### **§ 39-3. Planning Board.**

- a. After the applicant is issued a Class I, Class II, Class V or Class VI State License, applicant shall return to the City of Bayonne to complete the application process for a municipal license. Applicant must submit a Site Plan to the City of Bayonne

Planning Board and adhere to all requirements of the Planning Board in addition to all terms and conditions herein set by this Ordinance. (See Chapter 33 Planning and Development Regulations). A Technical Review Committee meeting is required prior to the Planning Board processing your submission. (See Chapter 33-4.10).

- b. Any applications to the Planning Board for either license shall be accompanied by a license fee, as stated below in this section:
  1. Cannabis cultivator: \$5,000.
  2. Cannabis manufacturer: \$10,000.
  3. Cannabis retailer: \$15,000.
  4. Cannabis delivery: \$2,500.
- c. All applications to the Planning Board shall be accompanied by an initial escrow deposit of \$7,000 to pay professionals for services rendered during the application process, such as review and preparation of documents, transcripts, review of assets and inspections. If review costs exceed the escrow deposited, the applicant shall pay the additional amount within 15 days of the request for additional funds. Where the review costs are less than the amount of the escrow deposit, the difference shall be returned to the applicant.
- d. **Compliance requirements.** A cannabis cultivator, cannabis manufacturer, cannabis retailer and cannabis delivery service established pursuant to this section shall, at all times, operate in complete compliance with the terms and conditions of its license(s) or permit(s) issued by the State of New Jersey, all terms and conditions provided by this Ordinance, any community host agreement and license issued by the City of Bayonne, including conditions imposed by the City of Bayonne Technical Review Committee and Planning Board, and/or conditions set forth in the site plan approvals mandated by this Ordinance, and all applicable codes and standards set forth in state codes and the Municipal Code of the City of Bayonne.
  1. The applicant shall submit proof of financial capability to open and operate the cannabis establishment for which the applicant is seeking a municipal license. Standards for proof of financial capability shall be determined by the City of Bayonne's financial advisors which shall produce a determination of financial capacity.
  2. In addition to complying with any State requirement related to good character and criminal background, the municipal applicant is required to produce a fingerprint-based criminal background check performed through the State by way of Identigo for all persons proposed to have an ownership interest in the license. No fingerprint-based criminal



background check older than 90 days will be accepted. 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 New Jersey or a subdivision thereof within the preceding five (5) years.

3. Prior to the operation of any cannabis establishment or delivery service a license must be obtained from the State of New Jersey and from the City of Bayonne for the applicable type(s) of cannabis establishment or delivery service. No cannabis establishment shall be permitted to operate without State and municipal licenses.
4. Permitted uses shall, at all times, comply with the terms and conditions of the licensee's cannabis establishment license or cannabis delivery services for permits or licenses issued by the State of New Jersey and the City of Bayonne.
5. Within the permitted zones in accordance with this Chapter, there shall be a minimum of 1,000 feet between cannabis retailers measured from the primary entrance of each location to the next.
6. Within the permitted zones where the cannabis establishments are located, there shall be a minimum of 1,000 feet between the cannabis establishment and schools, churches, child daycare facilities and public parks and playgrounds.
7. No cannabis establishment or delivery service shall be allowed as a Home Professional Occupation as defined in Chapter 33-2.2 and Chapter 35-4.25.
8. No cannabis establishment shall be housed in a vehicle or any movable or mobile structure.

**e. Site plan approval; minimum requirements; performance standards.**

1. Prior site approval. A cannabis cultivator, cannabis manufacturer and cannabis retailer located within the City of Bayonne shall first obtain a letter of zoning compliance from the Bayonne Zoning Officer.
2. Building use. A cannabis cultivator, cannabis manufacturer and cannabis retailer shall only be located on the ground floor (i.e., street level) of any building in which it has been approved to be

located unless the cannabis cultivator, cannabis manufacturer and cannabis retailer occupies the entire building on the property. Any such cannabis establishment shall be accessible directly from the right-of-way through a separate entrance, independent from any other retail or residential ingress to the building. Only a secured, one-way emergency exit from the establishment may be integrated with common egress.

3. Setback requirements. The cannabis cultivator, cannabis manufacturer and cannabis retailer shall comply with all setback or distance requirements established by the state and/or municipality and in effect at the time of application.
  4. Product display and storage. No cannabis products or paraphernalia shall be visible from a public sidewalk, public street or right-of-way, or any other public place. All cannabis products shall be stored indoors and on-site.
  5. Delivery vehicles associated with a cannabis delivery services and cannabis retailer shall not be parked on the street overnight.
- f. **Community host agreement.** The Cannabis Review Board shall, at its discretion, negotiate a community host agreement with the cannabis cultivator, cannabis manufacturer, cannabis retailer and cannabis delivery service establishing the applicant's willing commitment to the community and its support for, by example, local cannabis education programs, local employment and jobs training, public safety programs, the Special Improvement District (SID) or other mutually beneficial community investments.
- g. **Pollen And Seed Control.** The cannabis business licensee shall implement measures to prevent cross-pollination and to prevent cannabis pollen and seeds from leaving the premises, including, but not limited to, use of pollen screens, ultraviolet light and methods to ensure that employees and other visitors do not leave the premises while carrying any cannabis pollen or seeds.
- h. **Odor.** A cannabis cultivator, cannabis manufacturer and cannabis retailer shall have equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the City of Bayonne Health Department and Building Department and may be subject to periodic inspections.

- i. **Water Use.** In addition to satisfying all other City requirements, the Applicant shall provide a water conservation plan, which describes all water sources and their reuse, with zero waste.
  
- j. **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 (See also Chapter 3, Section 1, Noise and Chapter 4, Section 1.14).
  
- k. **Security.** All facilities associated with the sale or dispensing of cannabis, cannabis items and related products or services shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Bayonne Police Department for compliance review with all safety and security standards established by the State of New Jersey. The Bayonne Police Department may, at its discretion and upon review of the proposed location, recommend or require additional safety and security measures. At minimum, the following shall apply:
  - 1. A video recording security system shall be employed covering all areas of the cannabis cultivator, cannabis manufacturer and cannabis retailer and the adjacent exterior of the building with a 24/7 recording system that records for a minimum thirty-day archive.
  - 2. The Bayonne Police Department and Zoning Officer shall be provided the name and telephone number of the responsible staff person who could be reached 24 hours a day in case of any suspicious activity or emergency.
  - 3. Outside areas of the premises shall be well-illuminated for safety and security, but not in a way that is counter to Code requirements for outdoor lighting and screening or obtrusive to pedestrian, drivers or other users of the public right-of-way.
  - 4. The premises and right-of-way adjacent to the cannabis cultivator, cannabis manufacturer and cannabis retailer shall be monitored by staff of the cannabis establishment and kept free of loitering, litter and other debris, and the sidewalks shall be kept in good condition and swept and cleaned on a regular basis. (See also Chapter 17, Sections 17-1, 17-3, 17-14, 17-32 adopting

International Property Maintenance Code, Section 302 and Chapter 25, Sections 25-4, 25-5).

- l. **Hours.** No cannabis retailer may open to customers for business before 10:00 am or remain open to customers for business after 10:00 pm.
- m. **Queuing.** Queuing of customers outside a cannabis retailer is prohibited. The cannabis retailer shall have a sufficient waiting area inside the facility to accommodate customers, or shall provide a reservation service, phone/text notification service or other alternatives to waiting on the public right-of-way. Loitering is prohibited and shall be managed by the facility.
- n. **Parking.** One parking space shall be provided for each five persons of occupancy load after the first 20 persons rounded to the closest whole number. The requisite number of spaces should be secured from a private or public parking facility not more than five block-lengths away. Spaces may be used by staff and/or offered to patrons through validation.
- o. **Prohibited uses.** Except as expressly permitted by this Chapter, entitled Recreational Cannabis Ordinance, any other activity involved in the cultivation, manufacture, processing, dispensation, distribution and/or sale of cannabis, marijuana (is there a difference between cannabis and marijuana) or cannabis products, are expressly prohibited as land uses or otherwise in the City of Bayonne.
- p. The Planning Board shall conduct a hearing with respect to a license application for a cannabis cultivator, cannabis manufacturer, cannabis retailer, cannabis delivery service to issue approval of the site plan (See Chapter 33 Planning and Development Regulations).
- q. After receipt of planning board approval, resolution of approval and resolution compliance, the applicant shall obtain permits and comply with all applicable requirements of municipal departments including but not limited to zoning (use permits and sign permits), health, public safety and building in accordance with the Revised General Ordinances of the City of Bayonne.
- r. After applicant complies with all municipal requirements and obtains all required permits in accordance with paragraph q., the zoning officer shall issue a cannabis establishment or delivery service license.

- s. An applicant shall provide additional clarification and/or supplementation within 10 days after any written request by the Review Board for the same.
- t. The applicant shall otherwise comply with any, and all qualification standards set forth in the State and City laws or regulations.
- u. Notwithstanding the foregoing competitive application process, a conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to 12 months, which may be extended in the (Planning or Review) Board's discretion for an additional 6 months for good cause. No municipal license to operate shall be issue until the applicant has received a State license and satisfied other prerequisites of municipal licensure. If the recipient of a conditional license has not received a State permit or license within 12 months from issuance, unless extended for good cause, the Board shall pull an applicant from the waiting list based on §39-1.4d.8.

#### **§ 39-4. Cannabis Taxation.**

- a. It is the purpose of this Section to implement the provisions of P.L., 2021,c,16 which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed (2%) of the receipt from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; and two (2%) of the receipts from a cannabis retailer, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.
- b. Unless otherwise defined herein, as used herein, the City adopts by reference the terms and definitions established in Chapter 29 of this Code and Section 40 of N.J.S.A 24:61-33.
- c. There is hereby established a local cannabis transfer tax in the City of Bayonne which shall be fixed at a uniform percentage rate of two percent (2%) of receipts from each sale by a cannabis cultivator and two percent (2%) of the receipts from each sale by a cannabis manufacturer.
- d. Any transaction for which the transfer or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c 30 (C.54:32B-1 et seq.).
- e. The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.

**§ 39-5. Collection of Transfer Tax.**

- a. The transfer tax or user tax imposed by this article shall be collected or paid and remitted to City of Bayonne by the cannabis establishment purchasing or receiving the cannabis or cannabis item. The 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.
- b. Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting tax or user tax from another cannabis establishment as if the transferor user tax was part of the purchase price of the cannabis or cannabis item and payable at the same time; provided, however, that the Chief Financial Officer of City of Bayonne shall be joined as a party in any action or proceeding brought to collect the transfer tax.
- c. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner directly or indirectly that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment, or that the transfer tax or user tax will be refunded to the cannabis establishment.
- d. All revenues collected from the transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to City of Bayonne Chief Financial Officer on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.

**§ 39-6. Term of license and license renewals.**

- a. Any local license issued pursuant to this Chapter shall be valid for a period of three (3) years from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.
- b. All licenses shall be renewed as stated below in this section:
  1. Cannabis cultivator: \$5,000.
  2. Cannabis manufacturer: \$10,000.
  3. Cannabis retailer: \$15,000.
  4. Cannabis delivery: \$2,500.
- c. 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. Renewal applications will be available on the City of Bayonne website.
- d. Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premise shall be subject to approval by Planning Board with the necessary zoning, health, public safety and/or building approvals.
- e. Except where the Board has received a complete renewal application along with the requisite fees, and 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 licensee after the expiration date recorded on the face of the license.
- f. Reinvestment of local license fees. Local license fees from cannabis cultivators, cannabis manufacturers and cannabis retailers shall be used for public education and/or increased public safety in the area surrounding the dispensary. A separate account shall be established for collection and disbursement of said funds by the Cannabis Review Board with the advice and consent of the City Council.

### **§39-7 Disciplinary Actions; Sanctions; Penalties**

**§39-7.1 Penalty for violation.** Any violation of the provisions of this section or the conditions of the zoning and/or building permit granted, health violation, and/or public safety violation inclusive of any agreements or conditions imposed by the Planning Board shall be punishable by a civil fine; minimum fine shall be \$1,500, maximum fine shall be \$3,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, ongoing or repeat offenses may result in suspension of the certificate of occupancy for a period to be determined by the Zoning

Officer in consultation with the Cannabis Review Board or revocation of the municipal license. All violations will be reported to the State Cannabis Regulatory Commission or other designated state authority.

**§39-7.2 Suspension of use.**

- a. Inactive licenses. If, for any reason, a location occupied by a cannabis cultivator, cannabis manufacturer or cannabis retailer becomes inactive or unoccupied by the approved operator for an uninterrupted period of six months or more, the certificate of occupancy for said premises may be suspended and the Zoning Officer shall issue a notice of suspension to the operator and to the owner of the property. Any subsequent application for use or occupancy of the premises as a cannabis cultivator, cannabis manufacturer or, cannabis retailer including reoccupation by the previous operator, shall be referred to the Cannabis Review Board and the Zoning Officer as a new application.
- b. State license. The Planning Board may suspend or revoke any license if the corresponding State license or permit for the subject location is expired, surrendered, suspended, or revoked.

**§39-8.** Any and all ordinances or parts thereof in conflict or inconsistencies with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**§39-9.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**§39-10.** This Ordinance shall take effect upon passage and publication as provided by law.

**§39-11.** This Ordinance shall be a part of the General Ordinances of the City of Bayonne as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the City Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the General Ordinances of the City of Bayonne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the



existing Code, and in order to avoid confusion and possible accidental repeal of existing provisions not intended to be repealed.

**§39-12 Reserved**

**§39-13 Reserved\*\***

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