



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 24-0529, Version: 1

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**Dept/ Agency:** Law

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Waiving 20-day period for an Ordinance to take effect

**Purpose:** To authorize an emergency be declared to exist for Ordinance 6PSF-c, which amends the City of Newark's various titles of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by creating Chapter 39, Smoke Shop.

**Ordinance No(s):**

Ordinance 6F-a was adopted on First Reading by the Municipal Council on March 20, 2024.

**Additional Information:**

Ordinance 6PSF-c is scheduled for a Public Hearing, Second Reading and Final Passage on April 10, 2024.

**WHEREAS**, the City of Newark ("City") wishes to regulate the operation of retailers, also known as sellers, vendors, and suppliers of tobacco, tobacco products and smoke paraphernalia; and

**WHEREAS**, lack of regulation of the sale of tobacco, tobacco products, and smoke paraphernalia can cause public nuisances and violation of State Cannabis Law; and

**WHEREAS**, Ordinance 6F-a was advanced and adopted on First Reading by the Municipal Council on March 20, 2024 and is scheduled for a Public Hearing, Second Reading and Final Passage on April 10, 2024; and

**WHEREAS**, there is an exigent need for Ordinance 6F-a to be effective after being adopted upon Second Reading and Final Passage on April 10, 2024 in an effort for the City to address issues and complaints of citizens while promoting expansion and redevelopment; and

**WHEREAS**, the Municipal Council recognizes the exigent need for the Ordinance to take immediate effect; and

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

**WHEREAS**, N.J.S.A. 40:69A-181(b) authorizes a Governing Body to adopt a resolution declaring an emergency and authorizing that an Ordinance take immediate effect so long as at least two-thirds of all the members of the Governing Body vote in favor of such resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. For the reasons set forth herein and the important public policies enunciated, an emergency is hereby declared to exist and Ordinance 6F-a, creating Smoke Shops within the City of Newark, New Jersey, shall become effective, once adopted by the Municipal Council after Public Hearing, Second Reading and Final Passage in accordance with N.J.S.A. 40:69A-181(b). This is because of the exigent need for the City to effectively and adequately protect its citizens.

**STATEMENT**

This Resolution seeks to authorize an emergency to be declared to exist for Ordinance 6F-a, adopted as amended on First Reading by Municipal Council on March 20, 2024, which creates an Intermodal Container Lot License within the City of Newark, New Jersey, to become effective, once adopted by Municipal Council after Second Reading and Final Passage on April 10, 2024, in accordance with N.J.S.A. 40:69A-181(b) due to the exigent need for the City of Newark to effectively and adequately protect its citizens.