



## Legislation Text

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File #: 22-0776, Version: 1

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**Dept./ Agency:** Administration

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

**Type of Service:** Resolution of Support

**Purpose:** To provide a Resolution of Support for Community Greenhouse, LLC to operate a Class V Cannabis Retail Business within the City of Newark.

**Additional Information:**

Pursuant to N.J.A.C. 17:30-5.1(g) and/or pursuant to the provisions of N.J.S.A. 24:6I-7.2(4); nothing in this Resolution prohibits the City of Newark to revoke its support and rescind the conditional license.

**Deferred 7R1-f (s/as) 062122**

**Deferred 7R1-d 071322**

**Deferred 7R1-c 080322**

**Deferred 7R1-c 090822**

**Deferred 7R1-a 092122**

**WHEREAS**, on November 3, 2020, voters in the State of New Jersey approved public Question #1, which amended the Constitution of the State of New Jersey to legalize the Adult-Use of marijuana, also known as cannabis, for persons ages 21 and older and legalizes the cultivation, processing and sale of retail marijuana; and

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

**WHEREAS**, the City of Newark (the “City”) is designated as both an “Economically Disadvantaged Area” and an “Impact Zone”, which are defined in the cannabis regulations and the Act for purposes of furthering principles of social justice, and in which the Cannabis Regulatory Commission shall prioritize applications for licenses; and

**WHEREAS**, Section 31 of the Act authorizes municipalities to adopt an ordinance to permit or prohibit one (1) or more classes of licensed businesses; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 17:30-5.1, the City adopted Ordinance 6PSF-aa on August 19, 2021, creating Title XIV Cannabis, and R.O. 6PSF-a(s) on November 23, 2021, amending Title XIV Cannabis, to the Revised General Ordinances of the City of Newark, as amended, to permit and regulate adult-use and license cannabis establishments; and

**WHEREAS**, pursuant to N.J.S.A. 24:6I-45(b) and/or N.J.S.A. 24:6I-36(d)(1)(c)(iv), the City

adopted Ordinance 6PSF-ab(s) on August 14, 2021, amending Title XLI Zoning, of the Revised General Ordinance of the City of Newark, as amended to adopt land use regulations pertaining to cannabis activities; and

**WHEREAS**, the City has established a local licensing process for issuance of a cannabis license from the Department of Administration; and

**WHEREAS**, the City has announced that applications for the local cannabis endorsement can be submitted to the City between December 1, 2021 and December 31, 2021; and

**WHEREAS**, license applications to the Cannabis Regulatory Commission are required to submit proof of local support for the suitability and appropriateness of its business location from a municipality pursuant to N.J.A.C. 17:30-5.1(g) and/or pursuant to the provisions of N.J.S.A. 24:6I-7.2 (4); and

**WHEREAS**, the applicant, Community Greenhouse, LLC (the “License-Applicant”) is seeking such a resolution of support to apply for a state license to operate a licensed Class V Cannabis Retailer business, located within the City of Newark; and

**WHEREAS**, pursuant to N.J.S.A. 24:6I-45.c.(1), the City of Newark upon receipt of such application is authorized to determine whether the application complies with its local restrictions on cannabis businesses, and pursuant to N.J.S.A. 24:6I-45.c.(2) is authorized to notify the Cannabis Regulatory Commission if it approves or denies each application forwarded to it; and

**WHEREAS**, the City has given Community Greenhouse, LLC an extension to find a new location, due to an error in mapping; and

**WHEREAS**, the City has imposed a limit of five (5) Retail cannabis business licenses within its jurisdiction, the issuance of a license to the License-Applicant by the Cannabis Regulatory Commission would not exceed that limit as of the date of this Resolution.

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

1. The City of Newark hereby authorizes the issuance of this Resolution of local support for Community Greenhouse, LLC and the purpose described herein and is intended to satisfy the requirements of the Cannabis Regulatory Commission for proof of local support for the License-Applicant.
2. Nothing in this Resolution shall preclude the Mayor of the City of Newark and/or Municipal Council from issuing additional resolutions of municipal support to other applicants, nor shall it limit the Mayor of the City of Newark and Council’s authority with respect to any request for input from the Cannabis Regulatory Commission as to the City’s preferred licensee should more applicants seek licenses within the City than are available under the City’s local ordinances.

3. This Resolution provides support from the City of Newark on a conditional basis as the License-Applicant has received a conditional license from the City and has to obtain a proposed location within the zoning boundaries for cannabis; and if it does not comply with the requirements given to them in the Approval Letter, R.O. 6PSF-aa 081921, R.O. 6PSF-a (s) 112321, and/or R.O. 6PSF-ab(s) 081921 the City of Newark reserves the right to revoke said licensee and support.

### **STATEMENT**

This Resolution hereby declares that the City of Newark is providing local support, on a conditional basis, to Community Greenhouse, LLC to operate a Class V Cannabis Retail business, pursuant to N.J.A.C. 17:30-5.1(g) and/or pursuant to the provisions of N.J.S.A. 24:6I-7.2(4); nothing in this resolution prohibits the City of Newark to revoke its support and rescind the conditional license.