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City of Hoboken, NJ / Part I: Administrative Legislation

Chapter 36

Cannabis Review Board

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[HISTORY:[1] Adopted by the Mayor and Council of the City of Hoboken 6-17-2020 by Ord. No. B-267; amended in its entirety 8-3-2021 by Ord. No. B-377.[2] Subsequent amendments noted where applicable.]

[1]

Editor's Note: Former Ch. 36, Historic District Commission, adopted 6-21-1978 by Ord. No. C99, as amended, was repealed 8-15-2012 by Ord. No. Z-196. For current provisions, see Ch. 42, Historic Preservation.

[2]

Editor's Note: This ordinance also changed the title of this Ch. 36 from "Medical Cannabis Review Board" to its current title.

**§ 36-1 Establishment.**

**§ 36-2 Purpose.**

**§ 36-3 Definitions.**

**§ 36-4 Application review process, endorsements, administration and fees.**

## **§ 36-1 Establishment.**

### **A. There is hereby created a City of Hoboken Cannabis Review Board ("Review Board")**

which shall serve as an advisory committee to the City of Hoboken whose duty it shall be to review applications for cannabis wholesaler, cannabis retailer, medical cannabis dispensary and cannabis delivery operations based within the City of Hoboken.

### **B. The Review Board shall be comprised of seven members, requiring four for a quorum: the**

Mayor or his or her designee, a City Councilmember to be designated by Council, the Director of Health and Human Services; and four Hoboken residents. 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. Two Hoboken residents shall be appointed by the City Council for a term of two years, and two Hoboken residents shall be appointed by the Mayor to serve for the term of the Mayor appointing him or her. [Amended 6-1-2022 by Ord. No. B-468]

### **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"), N.J.S.A. 24:6I-31 to 24:6I-56, and the "Jake Honig Compassionate Use Medical Cannabis Act," N.J.S.A. 24:6I-1 to 24:6I-30. 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.

**§ 36-2 Purpose. The purpose of the Cannabis Review Board is to assure the public health, safety, and general welfare of the City of Hoboken and its residents, business establishments and visitors.**

**§ 36-3 Definitions. As used in this chapter, the following terms shall have the meanings indicated:** ADMINISTRATIVE OFFICER The Director of Community Development or his or her designee shall act as the administrative officer for accepting and processing of applications to the Cannabis Review Board. The administrative officer shall be the point of contact for all communication between the City of Hoboken and the state licensing authority or any other state agency with regard to the cannabis wholesaler, cannabis retailer, medical cannabis dispensary or Hoboken-based cannabis delivery operator. The Administrative Officer, in consultation with the Cannabis Review Board, shall enforce the provisions of this code. CANNABIS ACT The Jake Honig Compassionate Use Medical Cannabis Act (approved July 2, 2019), P.L. 2019, c. 153, revising and supplementing P.L. 2009, c. 307: N.J.S.A. 24:6I-1 to 24:6I-30, and 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 DELIVERY SERVICE A 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. This person or entity shall hold a Class 6 Cannabis Delivery license issued by the State of New Jersey. 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, or by a licensed cannabis delivery service or a certified cannabis handler for off-premises transactions and delivery of cannabis items and related supplies. This person or entity shall hold a Class 5 Cannabis Retailer license issued by the State of New Jersey. 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. This person or entity shall hold a Class 3 Cannabis Wholesaler license issued by the State of New Jersey. MEDICAL CANNABIS DISPENSARY(IES) An organization or entity, authorized by permit issued by the New Jersey Cannabis Regulatory Commission to purchase or obtain, possess, display, deliver, transfer, transport, distribute, supply, sell and dispense medical cannabis, medical cannabis products, paraphernalia and related supplies to registered qualifying patients, designated caregivers, or institutional caregivers pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 to 24:6I-30).

**§ 36-4 Application review process, endorsements, administration and fees.**

**A. Application review.** The Review Board shall receive and review all applications for cannabis wholesaler, cannabis retailer, medical cannabis dispensary and Hoboken-based cannabis delivery and shall provide an endorsement, or report to the contrary, to the land use board of jurisdiction prior to the applicant's submission of a conditional use application to the board. [Amended 3-23-2022 by Ord. No. B-446] (1) Notice requirement. Notice of the application and hearing before the Cannabis Review Board is required for all property owners as shown on current tax duplicates, located within 200 feet in all directions of the proposed location. Notice shall be provided by and at the expense of the applicant, in accordance with the procedures set forth in N.J.S.A. 40:55D-12b. Said notice shall be provided at least 10 days prior to the hearing.

**B. Community host agreement. If the Cannabis Review Board has endorsed an applicant, only** after such endorsement, and specifically not before, the Cannabis Review Board shall agree to terms of a "community host agreement" with the cannabis wholesaler, cannabis retailer, medical cannabis dispensary or cannabis delivery operator establishing the applicant's willing commitment to the community, and in particular the surrounding neighborhoods, and its support for, by example, local cannabis education programs, local employment and jobs training, enhanced neighborhood security, public safety programs, the Special Improvement District (SID), social services and welfare programs, or other mutually beneficial community investments. This draft agreement will be evidenced by a resolution of the CRB ratified by a majority of the CRB members during a public CRB meeting and shall then be referred to the Mayor for final negotiation and shall be subject to approval by the City Council prior to execution, in accordance with the provisions of the Faulkner Act.[1] An executed community host agreement will be a condition precedent to a final certificate of occupancy being given to operate as a dispensary. [Amended 6-1-2022 by Ord. No. B-468] [1] Editor's Note: See N.J.S.A. 40:69A-1 et seq.

**C. Consumption endorsement review. (1) An applicant is prohibited from operating a cannabis** consumption area without first obtaining approval from both the State Commission and the City of Hoboken. The Review Board shall receive and review all applications for endorsement of a cannabis consumption area made to the State Commission pursuant to N.J.S.A. 24:6I-21 or **N.J.S.A. 24:6I-42. The State Commission shall convey to the City, within 14 days, a copy of the** application for consumption area. If the application does not receive the endorsement of the City within one year after the state approval, the state endorsement shall expire. (2) The Review Board shall consider the application for cannabis consumption area pursuant to the conditions set forth in § 196-33.1 of the City of Hoboken Municipal Code and shall, in consultation with the Hoboken Police Department on matters of public health, safety and general welfare, make a recommendation for endorsement or denial to the City Council for adoption by resolution. Such resolution shall be conveyed to the State Commission. (3) The applicant seeking municipal approval for a cannabis consumption area shall file a separate application, on a standardized form established by the City and available on the City's website or from the Administrative Officer. The municipal application shall not be deemed complete until all documents are received and the application and escrow fees have been remitted. (4) Consumption endorsement may be rescinded by the Review Board with consent from the City Council, at any time, pursuant to Section 28 of P.L. 2019, c. 153 (N.J.S.A. 24:6I-21 or N.J.S.A. 24:6I-42) if the licensee is found to be in violation of any state provision or condition of approval, or if it is determined that the health, safety or general welfare of the public is being adversely impacted.

**D. The Review Board shall have 45 days, from the conclusion of the hearing(s) for cannabis** wholesaler, cannabis retailer, medical cannabis dispensary or Hoboken-based cannabis delivery, to issue its endorsement, or report to the contrary, to the land use board of jurisdiction.

**E. The Review Board shall have 90 days from the receipt of a complete application for consumption endorsement to issue its endorsement, or report to the contrary, to the City Council for a resolution.**

**F. An applicant for either endorsement shall provide additional clarification and/or supplementation within 10 days after any written request by the Review Board for the same.**

**G. Administrative and local license fees. (1) The application fee for endorsement of a cannabis wholesaler, cannabis retailer, medical cannabis dispensary or Hoboken-based cannabis delivery operation shall be \$2,500. (2) The application fee for consumption endorsement for a cannabis retailer or medical cannabis dispensary shall be \$5,000. (3) All applications for endorsement shall be accompanied by an escrow fee of \$5,000 to be used by the Review Board to pay professionals for services rendered during the application process, such as review and preparation of documents, transcripts, 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 within 120 days of final disposition of the application. (4) The successful applicant shall remit to the City of Hoboken, via the Administrative Officer, the following license fees on an annual basis. License fees shall be for each use, whether co-located or independent: (a) Cannabis wholesaler: \$5,000. (b) Cannabis retailer: \$15,000. (c) Medical cannabis dispensary: \$10,000. (d) Cannabis delivery: \$2,500. (e) Cannabis consumption: \$25,000.**

**H. Reinvestment of local license fees. Local license fees from cannabis wholesalers, cannabis** retailers, medical cannabis dispensaries or Hoboken-based cannabis delivery operations 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.