

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1667 (2021)

**AN ORDINANCE TO AMEND THE REVISED
GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY
ESTABLISHING CITYWIDE STANDARDS TO PROHIBIT THE SALE AND/OR
OPERATION OF ANY AND ALL MARIJUANA MANUFACTURING, CULTIVATION,
PROCESSING, DISTRIBUTION, AND DISPENSARIES; PROHIBIT SMOKING AND
INGESTING OF CANNABIS IN PUBLIC PLACES; AND REGULATE AND LICENSE
THE DELIVERY OF CANNABIS WITHIN ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for 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, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, the City of Sea Isle City considers the cultivation, manufacturing, testing, sale, or distribution of medicinal and recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana within the City to be detrimental to the public health, safety and welfare of the City; and

WHEREAS, on February 22, 2021, Governor 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 recreational use of marijuana by adults 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 Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as (“a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as

well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Administration of the City of Sea Isle City has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the City of Sea Isle City in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the City of Sea Isle City's residents and members of the public who visit, travel, or conduct business in the City of Sea Isle City, to amend the City of Sea Isle City's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the City of Sea Isle City; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts; and

WHEREAS, the City of Sea Isle City is of the opinion that the General Ordinances should be amended in order to clarify and reaffirm that the City has determined that the cultivation, manufacturing, testing, sale, or distribution of medicinal and recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana is prohibited within the City and that such prohibition shall be continued in the future; and

WHEREAS, the City of Sea Isle City is of the opinion that the General Ordinances should be amended in order to clarify and reaffirm that the City has prohibited the consumption of marijuana on public property, including but not limited to beaches, parks, right-of-ways, streets, etc.; and

WHEREAS, the City of Sea Isle City is of the opinion that the Municipal Zoning Ordinance should be amended in order to clarify and reaffirm that the City has determined that the cultivation, manufacturing, wholesale, retail, testing, sale, or distribution of medicinal and recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana is prohibited within the City and that such prohibition shall be continued in the future.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 3-6.8 of the Revised General Ordinances of the City of Sea Isle City, entitled “Alcoholic Beverages” is hereby amended to delete the following section in its entirety and replaced same as follows:

DELETED SECTION:

3-6.8 Alcoholic Beverages.

a. No person shall possess, consume or sell open containers of any type or kind of alcoholic beverages in City-owned facilities or public places, including, but not limited to, public rights-of-way (except as permitted under § 4-3, Sidewalk Dining), public streets, beaches, promenades, parks, including, but not limited to, Excursion Park, any public place, public area, public parking lot(s), or public building of the City, including possession consumption, or sale at public events sponsored by the City or on City property as noted herein; nor in any motor vehicle, whether parked or moving; nor in any public place in the City.

b. "City-owned facilities or public places" shall be defined to include all parks, public rights-of-way, public streets, beaches, beach accesses, promenades, athletic fields, the marina, playgrounds, buildings, or recreation centers, and shall also include the area within the buildings, outside areas, and appurtenances at the recreation centers, and other City-owned facilities.

REPLACEMENT SECTION:

3-6.8 Alcoholic Beverages and Cannabis.

a. No person shall possess, consume or sell open containers of any type or kind of alcoholic beverages in City-owned facilities or public places, including, but not limited to, public rights-of-way (except as permitted under § 4-3, Sidewalk Dining), public streets, beaches, promenades, parks, including, but not limited to, Excursion Park, any public place, public area, public parking lot(s), or public building of the City, including possession consumption, or sale at public events sponsored by the City or on City property as noted herein; nor in any motor vehicle, whether parked or moving; nor in any public place in the City.

b. No person shall possess cannabis of any type or kind, including but not limited to any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including the separated resin, whether crude or purified obtained from cannabis, except from an approved dispensary. No person shall ingest, consume, make visible, use/smoke, sell, barter, gift or giveaway cannabis of any type or kind in City-owned facilities or public places, including, but not limited to, public rights-of-way, public streets, beaches, promenades, parks, including, but not limited to, Excursion Park, any public place, public area, public parking lot(s), or public building of the City, including at public events sponsored by the City or events held on or partially upon City owned facilities or public places; nor in any motor vehicle, whether parked or moving; nor in any public place in the City. For the purpose of City Code marijuana and cannabis shall have the same meaning.

c. "City-owned facilities or public places" shall be defined to include all parks, public rights-of-way, public streets, beaches, beach accesses, promenades, athletic fields, the marina, playgrounds, buildings, or recreation centers, and shall also include the area within the buildings, outside areas, and appurtenances at the recreation centers, and other City-owned facilities.

SECTION II. Chapter 4 of the Revised General Ordinances of the City of Sea Isle City, entitled “General Licensing ” is hereby amended to add the following section in its entirety as follows:

ADDED SECTION:

4-12 CANNABIS

4-12.1 Regulation of Delivery Services of Cannabis products.

The delivery of any type or kind of cannabis shall be prohibited within the City except by a state approved dispensary delivery service and by employees of said dispensary delivery service provided all of the City licensing requirements are met. All deliveries of cannabis items and related supplies must be by a licensed, insured, and City-approved delivery service, shall be by pre-scheduled prepaid order, shall be transported to a private residence only, delivered only to the intended recipient and shall be delivered in unmarked vehicles only.

4-12.2. Licenses.

No person shall operate a cannabis delivery vehicle within the City unless the vehicle is owned by a state approved dispensary (a copy of written state approval shall be provided to the City Clerk), all of its occupants are employees of said delivery service (proof of employment shall be provided to the City Clerk) and that the owner, the driver, and all passengers of the cannabis delivery vehicle are licensed by the City under this Chapter.

There are hereby established three classes of cannabis delivery vehicle licenses to be known as a "Cannabis Delivery Vehicle Owner's License", "Cannabis Delivery Vehicle Driver's License", and "Cannabis Delivery Vehicle Passenger License". No driver or passenger of a cannabis delivery vehicle shall be permitted in a cannabis delivery vehicle, whether operating or not, within the City unless licensed by the City. Cannabis delivery vehicles shall be designated for single use only. A vehicle permitted as a cannabis delivery vehicle shall not be used as any other type of vehicle or for any other delivery/service such as but not limited to taxicab, shuttle, nonemergency medical transport, limousine, or as an executive sedan.

No application of any of the licenses will be approved by the City Clerk unless the following conditions for each application are satisfied:

1. Completion of all forms, checklists, and other submissions as may be required by the City Clerk's Office;
 2. Payment of all applicable local fees, including inspection and licensing fees;
 3. Demonstration that all applicable State licenses have been obtained;
 4. Passage of all applicable State and local inspections required to be completed prior to the beginning of operations and/or renewal of any State and/or local license;
 5. Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency
- a. Cannabis Owner's License. A cannabis owner's license shall entitle a state approved/permitted cannabis delivery service (must provide a copy of state issued approval/permit to the City Clerk prior to issuance of license) a license to operate an unmarked/logo free vehicle within the City for the purpose of delivering cannabis to customers that have previously ordered and paid for said cannabis by a driver that is an employee of said service, duly licensed hereunder, by the New Jersey Motor Vehicle Commission and in accordance with the laws of the State of New Jersey until the license is expired, surrendered, suspended or revoked, and it shall not be transferable. All licensed owners must be an owner of a state approved/permitted cannabis delivery service. The number of cannabis delivery vehicle licenses under this section to be issued and outstanding in any one year shall be five (5).
 - b. Cannabis Delivery Vehicle Driver's License. A cannabis delivery vehicle driver's license shall entitle the person named therein to operate within the City any cannabis delivery vehicle duly licensed hereunder, by the New Jersey Motor Vehicle Commission, and in accordance with the laws of the State of New Jersey until the license is expired, surrendered, suspended or

revoked, and it shall not be transferable. All licensed drivers must be an employee of a City licensed and state approved/permitted cannabis delivery service. The number of cannabis delivery vehicle driver's licenses under this section to be issued and outstanding in any one year shall be three (3) per company.

- c. Cannabis Delivery Vehicle Passenger's License. A cannabis delivery vehicle passenger's license shall entitle the passenger named therein to be a passenger in a cannabis delivery vehicle operated within the City duly licensed hereunder, by the New Jersey Motor Vehicle Commission, and in accordance with the laws of the State of New Jersey statutes until the license is expired, surrendered, suspended or revoked, and it shall not be transferable. All licensed passengers must be an employee of a City licensed and state approved/permitted cannabis delivery service. The number of cannabis delivery vehicle driver's licenses under this section to be issued and outstanding in any one year shall be three (3) per company.

d. 4-12.3. Application Procedures and Requirements.

All applications for cannabis delivery vehicle owner's license, cannabis delivery vehicle driver's license, and cannabis delivery vehicle passenger's license shall be in writing, in duplicate, shall contain all required information and shall be completed in their entirety and filed with the City Clerk. Any application which is deemed incomplete by the City Clerk, or their designee, shall be rejected. The City Clerk, or their designee, shall be satisfied that the applicant is at least 21 years of age. If the applicant is a corporation, the corporation must be organized and existing under the laws of the State of New Jersey and must present proof thereof or, if organized and existing under the laws of another State, be officially authorized to do business in the State of New Jersey and must supply the name and address of the New Jersey registered agent for the corporation.

No application will be approved by the City Clerk unless it is accompanied by appropriate forms and contains all of the information required in the application.

a. Cannabis Delivery Vehicle Owner's License; Application.

1. All applications for cannabis delivery vehicle owner's licenses or renewal license shall be in writing, in duplicate, and shall contain the following:

- Any business duly licensed by the State of New Jersey to conduct legal adult use marijuana operations, as defined by State law, may deliver pre-order/pre-scheduled cannabis within the City so long as the entity maintains its State license in good standing and the entity otherwise remains in full compliance with the laws and regulations established by the State of New Jersey and the applicable Agency, Authority, and/or Department governing the licensed activity, as may be amended.
- Submission of a full copy of the Application for State Licensure, via hard copy or digitally, with pages prominently marked "CONFIDENTIAL" as appropriate for purposes of compliance with New Jersey's Open Public Records Act (**NOTE:** pages not marked as confidential will be disclosed in response to an applicable OPRA request).
- Full name, date of birth, address, telephone number, cell phone number, website and email address of all owners holding 5% interest or more;
- Vehicle serial number, vehicle state registration number; type, color, year, make, number of doors, number of persons the vehicle can carry as passengers and the total weight the vehicle can transport;
- Schedule indicating dates and hours vehicle will operate;
- The vehicle identification number, New Jersey vehicle registration number, vehicle insurance policy particulars, vehicle type, color, year, make, number of doors, number

of persons the vehicle can carry as passengers, and total cargo the vehicle can transport for all vehicles that shall enter the City.

- Name, age, address, date of birth and phone number of all drivers and passengers that will occupy said vehicle.

No cannabis delivery vehicle owner's licenses to operate within the City of Sea Isle City shall be granted or renewed without such evidence as may be required by the City Clerk's Office to determine that the entity maintains all valid State and/or Departmental licenses and approvals, and that all such licenses and/or approvals remain in good standing at the time of registration.

2. All applicants shall provide such information as the City Clerk requires, including, but not limited to, full fingerprinting and a criminal record check. The Sea Isle City Chief of Police or his/her designee, or investigating agency, shall be responsible for conducting an investigation into each applicant for a cannabis delivery vehicle owner's license hereunder.
3. Each applicant shall provide a drivers' abstract issued by the New Jersey Motor Vehicle Commission and criminal background check as obtained from the New Jersey State Police, after obtaining the requested form from the Sea Isle City Police Department, for each individual owning more than 5% of the equity of the applicant, as well as for each operator and passenger to be employed or otherwise hired by the applicant at the time the application is submitted. Each initial owner's application for license applicant will be required to undergo a full fingerprint background and criminal check. A renewal cannabis owner's license may be issued upon the applicant completing and filing a renewal application and verifying by oath or affirmation that there have been no changes in the information contained in the issuance of the initial applications and that they have continued to comply with all laws of the State of New Jersey relating to the operation of state approved/permitted cannabis delivery service and is not in violations of any provisions of this chapter.
4. If the applicant is a corporation, limited liability company or partnership, then the following individuals shall be subject to a background check:
 - In the event that the applicant is a corporation, the background investigation shall include all officers of the corporation and, if practical, the shareholders.
 - In the event that the applicant is a limited liability company, such investigation shall include all officers of the limited liability and, if practical, the members.
 - In the event that the applicant is a partnership, such investigation shall be required of each partner, whether full or limited partners.
5. The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and, if so, the circumstances of such record, including the date and results of such investigation, which, together with recommendations by the Sea Isle City Chief of Police as to whether such license should be granted or denied, supported by the reason(s) for such recommendation, shall be forwarded to the City Clerk. The City Clerk shall in turn make such report available to the individual members of City Council. A copy of the report shall also be sent to the applicant.
6. The City of Sea Isle City will be utilizing the State-Police-coordinated, non-criminal-justice fingerprinting process known as "Live Scan." The State of New Jersey has contracted with a vendor to perform this service. The company has established permanent sites throughout the State as well as several mobile units available to meet its contractual agreement. The vendor charges a fee for the fingerprinting, for which the applicant will be responsible. There will be an additional fee of \$20, payable to the City of Sea Isle City, for the processing of the fingerprint documentation required by the vendor.
7. It shall be unlawful for any owner of any cannabis delivery vehicle, as defined in this Section, to operate or to permit a driver or a passenger of same to be within an operated vehicle

on the streets of the City until a valid license has been obtained therefor, as the case may be, as herein provided.

8. The licensed applicant shall affirm that the cannabis delivery vehicle business and/or license shall not be used and operated for unlawful purposes and shall comply with applicable laws.

9. The applicant of an owner's license shall promptly notify the City Clerk and provide additional drivers' and passengers' abstracts and criminal background check as and when other individuals acquire up to a 5% equity interest in the applicant and/or additional operators and passengers are employed or hired during any license term. The additional operators shall be permitted to operate a cannabis delivery vehicle for the applicant on a temporary basis (not to exceed 60 days) upon the submission of a completed application for an operator's and/or passenger's license and satisfaction with all other requirements of this chapter.

b. Cannabis Delivery Vehicle Driver's License; Application.

1. All applications for cannabis delivery vehicle driver's licenses or renewal license shall be in writing, in duplicate, and shall contain the following:

- Driver's full name, date of birth, address, telephone number, cell phone number and email address;
- Full name of employer (cannabis delivery service), address, telephone number, website and email address;
- Schedule indicating dates and hours of each day said driver will operate delivery vehicle; and
- The vehicle identification number, New Jersey vehicle registration number, vehicle insurance policy particulars, vehicle type, color, year, make, number of doors, number of persons the vehicle can carry as passengers, and total cargo the vehicle can transport.

2. Each applicant for a cannabis delivery vehicle driver's license shall, in addition to the requirements of any law of the State of New Jersey, establish to the satisfaction of the City Clerk that the applicant holds a valid New Jersey driver's license (provide copy of license to City Clerk), is licensed by the New Jersey Motor Vehicle Commission and that the applicant is at least 21 years of age.

3. Each applicant for a cannabis delivery vehicle driver's license shall submit his/her certification of any traffic violations over the preceding five years and that the applicant has sufficient knowledge of the City traffic regulations. Also, the applicant cannot have been convicted of a driving while intoxicated (DWI) offense.

4. All applicants shall provide such information as the City Clerk requires, including, but not limited to, full fingerprinting and a criminal record check. The Sea Isle City Chief of Police or his/her designee, or investigating agency, shall be responsible for conducting an investigation into each applicant for a cannabis delivery vehicle driver's license hereunder.

5. The applicant for a cannabis delivery vehicle driver's license shall provide a drivers' abstract issued by the New Jersey Motor Vehicle Commission and criminal background check as obtained from the New Jersey State Police, after obtaining the requested form from the Sea Isle City Police Department. Initial driver's application for license applicant will be required to undergo a full fingerprint background and criminal check. A renewal cannabis driver's license may be issued upon the applicant completing and filing a renewal application and verifying by oath or affirmation that there have been no changes in the information contained in the issuance of the initial applications and that they have continued to comply with all laws of the State of New Jersey relating to the operation of

state approved/permitted cannabis delivery service and is not in violations of any provisions of this chapter.

6. The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and, if so, the circumstances of such record, including the date and results of such investigation, which, together with recommendations by the Sea Isle City Chief of Police as to whether such license should be granted or denied, supported by the reason(s) for such recommendation, shall be forwarded to the City Clerk. The City Clerk shall in turn make such report available to the individual members of City Council. A copy of the report shall also be sent to the applicant.
 7. The City of Sea Isle City will be utilizing the State-Police-coordinated, non-criminal-justice fingerprinting process known as "Live Scan." The State of New Jersey has contracted with a vendor to perform this service. The company has established permanent sites throughout the State as well as several mobile units available to meet its contractual agreement. The vendor charges a fee for the fingerprinting, for which the applicant will be responsible. There will be an additional fee of \$20, payable to the City of Sea Isle City, for the processing of the fingerprint documentation required by the vendor.
 8. It shall be unlawful for any driver of any cannabis delivery vehicle, as defined in this section, to operate or to permit the same to be operated on the streets of the City until a valid license has been obtained therefor, as the case may be, as herein provided.
 9. Any change of residence of the holder of the license shall be reported to the City Clerk within five business days of the date of the change.
- c. Cannabis Delivery Vehicle Passenger's License; Application.
1. All applications for cannabis delivery vehicle passenger's licenses or renewal license shall be in writing, in duplicate, and shall contain the following:
 - Passenger's full name, date of birth, address, telephone number, cell phone number and email address;
 - Full name of employer (cannabis delivery service), address, telephone number, website and email address;
 - Schedule indicating dates and hours of each day said passenger will occupy the delivery vehicle;
 - The vehicle identification number, New Jersey vehicle registration number, vehicle insurance policy particulars, vehicle type, color, year, make, number of doors, number of persons the vehicle can carry as passengers and total cargo the vehicle can transport.
 2. Each applicant for a cannabis delivery vehicle passenger's license shall, in addition to the requirements of any law of the State of New Jersey, establish to the satisfaction of the City Clerk that the applicant must have a valid New Jersey driver's license/government issued identification and that the applicant is at least 21 years of age.
 3. Each applicant for a passenger's license shall submit his/her certification of any traffic violations over the preceding five years and that the applicant has sufficient knowledge of the City traffic regulations. Also, the applicant cannot have been convicted of a driving while intoxicated (DWI) offense.
 4. It shall be unlawful for any passenger of any cannabis delivery vehicle, as defined in this Section, to operate or occupy the vehicle on the streets of the City until a valid license has been obtained therefor, as the case may be, as herein provided.

5. All applicants shall provide such information as the City Clerk requires, including, but not limited to, full fingerprinting and a criminal record check. The Sea Isle City Chief of Police or his/her designee, or investigating agency, shall be responsible for conducting an investigation into each applicant for a cannabis delivery vehicle driver's license hereunder.
6. The applicant for a cannabis delivery vehicle passenger's license shall provide a drivers' abstract issued by the New Jersey Motor Vehicle Commission and criminal background check as obtained from the New Jersey State Police, after obtaining the requested form from the Sea Isle City Police Department. Initial passenger's application for license applicant will be required to undergo a full fingerprint background and criminal check. A renewal cannabis passenger's license may be issued upon the applicant completing and filing a renewal application and verifying by oath or affirmation that there have been no changes in the information contained in the issuance of the initial applications and that they have continued to comply with all laws of the State of New Jersey relating to the operation of state approved/permitted cannabis delivery service and is not in violations of any provisions of this chapter.
7. The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and, if so, the circumstances of such record, including the date and results of such investigation, which, together with recommendations by the Sea Isle City Chief of Police as to whether such license should be granted or denied, supported by the reason(s) for such recommendation, shall be forwarded to the City Clerk. The City Clerk shall in turn make such report available to the individual members of City Council. A copy of the report shall also be sent to the applicant.
8. The City of Sea Isle City will be utilizing the State-Police-coordinated, non-criminal-justice fingerprinting process known as "Live Scan." The State of New Jersey has contracted with a vendor to perform this service. The company has established permanent sites throughout the State as well as several mobile units available to meet its contractual agreement. The vendor charges a fee for the fingerprinting, for which the applicant will be responsible. There will be an additional fee of \$20, payable to the City of Sea Isle City, for the processing of the fingerprint documentation required by the vendor.
9. Any change of residence of the holder of the license shall be reported to the City Clerk within five business days of the date of the change.

4-12.4. City Clerk's Authority.

- a. No cannabis license, owner, driver and passenger, shall be recommended or awarded to an applicant by the City Clerk if it appears:
 1. That the insurance policy required by law has not been furnished and approved, or the same is insufficient in form or substance to properly safeguard the public interest and safety, or that the policy of insurance is not operative for at least one year; or
 2. That the applicant has not complied with all the terms and conditions of this section and of the State of New Jersey relevant to such cases, or the applicant is not a person entitled to be licensed hereunder.
- b. The license to own, operate or occupy a cannabis deliver vehicle may be revoked by the City Clerk for a violation of any of the provisions of this section or any ordinance of the City relating to traffic, use of streets or for the violation of any State law relating to traffic or use of streets, or for failure to pay any judgment for personal damages arising from the unlawful or negligent operation of a cannabis delivery vehicle for which the license was issued, or for failure to pay any franchise taxes provided by law and, thereupon, all rights and privileges under the license shall terminate.
- c. Before any license shall be revoked, the holder thereof shall have been notified in writing of the reasons for revocation, and shall be given a public hearing, at which the licensee may be represented by counsel. In addition, the licensee shall be given 10 days' notice of the time and

place of such hearing. The notice provided hereby shall be served personally or by certified mail, to the address last filed by the person licensed as shown in the office of the City Clerk. It will also be within the discretion of the City Clerk to levy a fine and/or suspension should he/she deem revocation too severe a penalty.

- d. It shall further be the duty of the City Clerk to take all reasonable and prudent steps to assure that the terms and conditions of this section are fulfilled.
- e. Where a licensee has been convicted of a crime in any Municipality, County, State or Federal court, upon conviction, the City Clerk may revoke the license of the cannabis delivery vehicle passenger, driver and/or owner, upon notice and hearing.
- f. The City Clerk and Chief of Police or their designee shall take official cognizance of any and all misconduct, deceit, fraud, subterfuge or actions of any cannabis delivery vehicle licensee which are against the best interest of the public or the cannabis industry itself, regardless of whether or not such actions are specifically covered in this section. It shall also be the direct responsibility of all departments to bring such actions to the notice of the City Clerk.

4-12.5. Vehicle Substitution; Replacement; Unsafe.

- a. The holder of any license shall not substitute or replace any licensed and approved vehicle without the written approval of the Sea Isle City Business Administrator unless the substituted vehicle had already received such approval.
- b. The use of any cannabis delivery vehicle which may be found by the Sea Isle City Chief of Police to be unsafe or not in condition to properly operate shall be discontinued from service until such time as it is repaired, made safe or put in good condition before being again used.
- c. Any cannabis delivery vehicle that is out of service for any reason is not entitled to any prorated fee reimbursement.

4-12.6. False Statements.

It shall be unlawful for any person making application for any license to willfully make any false statement as to any of the matters required to be stated in such application. False statements are grounds to deny or revoke a license.

4-12.7. Passengers.

It shall be unlawful to drive or operate any cannabis delivery vehicle while that cannabis delivery vehicle is carrying more than allowable passengers or product. Repeated complaints against owner's, drivers or passengers will be grounds for disciplinary action initiated by the Administrator.

4-12.8. General Rules.

- a. Only licensed cannabis delivery vehicle owners or their employees can drive an authorized vehicle.
- b. Only a licensed cannabis delivery vehicle can be used.
- c. Unsanitary, inadequate, unclean, or unsafe cannabis delivery vehicles will not be permitted to operate.
- d. It shall be illegal to use profanity or engage in physical violence either in cannabis delivery vehicles or in areas on or near delivery locations.

- e. All accidents must be reported to the Sea Isle City Police Department as soon as possible after the occurrence. Any accident involving damage over \$500 or personal injury must be reported immediately to the Police Department.
- f. Cannabis delivery vehicle owners must notify the Sea Isle City Police Department immediately when a change of license number or registration number occurs.
- g. All licensed vehicles and the state approved/permitted cannabis delivery service must provide the City Police Department with access to security footage immediately upon request by the Department.
- h. No flags, banners or advertising of any kind is permitted on cannabis delivery vehicles.
- i. No loud noise shall be permitted to come from the vehicle during delivery or any time during the operation of the vehicle within the City.
- j. No lights shall be permitted to come from the vehicle other than lights required to be on a vehicle such as headlights and taillights during delivery or any time during the operation of the vehicle within the City.
- k. No odors, such as but not limited to, odors of cannabis shall be permitted to come from the vehicle during delivery or any time during the operation of the vehicle within the City.
- l. Driver shall check ID prior to any exchange of cannabis to confirm that the recipient is at least 21 years of age and is the intended recipient.
- m. Only state approved/permitted cannabis delivery service employees are permitted to make deliveries.
- n. This section is cumulative of all other applicable laws and ordinances.

4-12.9. Insurance and Vehicle Requirements.

- a. Each application for a cannabis delivery vehicle owner's license shall be accompanied by a policy of insurance, with the premium prepaid thereon, written by an insurance company duly licensed to transact business under the insurance laws of the State of New Jersey, which shall be submitted to the City Clerk and to the City Attorney for approval as to form and sufficiency. A certificate of insurance must be submitted to the City Clerk prior to a license being approved. Prior to the issuance of a license under this chapter, and at all times while the license is in effect, the licensee shall maintain on file with the City Clerk proof of the issuance required hereunder.
- b. If the insurance policies issued to the licensee pursuant to this chapter are canceled for any reason, the license issued under this chapter is automatically suspended. In order to reinstate the license, the licensee shall file a new certificate of insurance and provide proof of such to the City Clerk.
- c. The policy shall be conditioned for payment of a sum required to satisfy all claims for damage by reason of bodily injury to or the death of all persons or property damage as follows:
 - 1. All cannabis delivery vehicles licensed hereunder shall have, exhibit, and provide to the Clerk of the City of Sea Isle City a copy of a general liability insurance policy with limits of not less than \$300,000 in the event of bodily injury or death to any one person, and not less than \$1,000,000 in the event of bodily injury or death to any number of persons in any one accident, and with limits not less than \$50,000 for property damage.
- d. The policy shall provide coverage for every driver and passenger of each vehicle listed in the policy, and the acceptance of the policy by the City and the issuance of the license by the City shall constitute an agreement by and between the applicant and the City that the applicant holds and saves harmless the City from any and all claims from damages arising out of

personal injury and/or property damage made by third parties as the result of the issuance of the license and the operation of a cannabis delivery vehicle.

- e. Consent shall only continue to be effective and such operation be permitted only so long as such insurance to the full and collectible amount shall remain in force, during the entire term of the policy. The insurance policy, or an accompanying document, shall obligate the liability insurer to notify the Clerk of the City of Sea Isle City if any change occurs in the policy or if the policy is terminated or canceled for any reason. At such time all licenses shall be revoked immediately.
- f. Each cannabis delivery vehicle licensed to make deliveries in the City shall be equipped with GPS tracking and a lockbox. The Chief of Police, or designee, shall inspect the GPS tracking and lockbox upon initial license, for each renewal license, or upon request at any time.

4-12.10. Power of Attorney.

No cannabis delivery vehicle owner's, driver's, or passenger's license shall be issued until the applicant therefor shall have delivered to the City Clerk, concurrently with the filing of the application and insurance policy referred to herein, a power of attorney executed by the applicant wherein and whereby the applicant shall appoint the City Clerk for the City as his, her or its true and lawful attorney for the purpose of acknowledging service of any process out of a Court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed.

4-12.11. Issuance of License.

The City, in its discretion, may refuse to issue or renew or, after notice and hearing, may revoke or suspend any license issued under the provisions of this section if the licensee or applicant:

- a. Has been convicted of any crime, disorderly persons offense or petty disorderly offense in this State or in any other state or territory;
- b. Has been convicted of a violation under Title 39, Motor Vehicles and Traffic Regulations of the New Jersey Statutes Annotated;
- c. Violates any provision of this Section;
- d. Has any judgment unsatisfied or record arising out of an automobile accident;
- e. Has made false answers in the application for the license or any renewal thereof;
- f. Has failed or fails to render reasonable prompt, safe and adequate cannabis delivery services;
- g. Has not complied fully with all requirements of this section for such class of licensure;
- h. Has in any degree contributed to any injury to person or damage to property arising out of the negligent operation of a motor vehicle;
- i. As to any cannabis delivery vehicle owner's license, if the motor vehicle licensed or to be licensed by reason of unsafe or unsanitary conditions is dangerous to the safety or health of the occupants and others;
- j. If the policy of insurance required herein has once lapsed or such coverage is not maintained at all times;
- k. If a cannabis delivery vehicle, at any time, carries more passengers than permitted, travels to or delivers to an unscheduled location, carries more cannabis than it is permitted to carry by the laws of the State of New Jersey and/or and the term of this section;

- I. For any reason stated in this ordinance or for any good cause as determined by the City.

4-12.12. Limit on Number of Passengers and Cannabis.

No cannabis delivery vehicle shall at any time carry more than two passengers and shall not carry an amount of cannabis larger than the amount of cannabis permitted under the laws of the State of New Jersey.

4-12.13. Records to Be Maintained.

Every holder of any owner's license shall require the driver of the cannabis delivery vehicle to keep a daily record identified by the vehicle number of the delivery vehicle used and the license number of the cannabis delivery driver, which record shall include the time, full name, exact location of delivery address, when and where an order was accepted, as well as the time and place of discharge of cannabis order and names of all passengers. These records shall be kept for at least one year and shall be open, at all times, for inspection by any duly authorized law enforcement officer and shall be provided immediately upon request.

4-12.14. Identification.

- a. There shall be affixed in every cannabis delivery vehicle, in such manner that the same can be conveniently read by any person, a card at least three inches in height by at least five inches in length, containing the name of the owner, the license number of the vehicle, and the year of issuance. The card shall also contain a photograph of the cannabis delivery vehicle driver with the name of the driver and his/her license number.
- b. Every cannabis delivery vehicle so licensed shall have no identification, logo, paint, or any marking of any kind on the outside of the vehicle that would identify the vehicle as a cannabis delivery vehicle.

4-12.15. Operation of Cannabis Delivery Vehicles.

Drivers of cannabis delivery vehicle shall not receive or discharge passengers or cannabis products in the roadways or on any public property but shall take place only on private property. The vehicle shall pull up to a private driveway or a legal parking space as near as possible to the delivery location. The driver and/or passenger shall make the delivery and return to the vehicle as timely as possible.

4-12.16. Appearance; Safety, Inspection.

- a. The owner of each cannabis delivery vehicle shall have each delivery vehicle presented to the Chief of Police or other designated Police Officer prior to issuance or renewal of the cannabis delivery vehicle owner's license and thereafter upon the request of the Chief of Police or other Police Officer so that it may be inspected to determine whether it complies with the provisions of this section.

4-12.17. Restrictions, Solicitation.

A cannabis delivery vehicle shall only be permitted to deliver to a pre-scheduled pre-paid recipient. The complete order information, such as but not limited to, full name, exact address, order details and any other information said requester deems appropriate upon request by any law enforcement agent or authorized City employee. No owner, driver, or passenger of any cannabis delivery vehicle shall knowingly misinform or mislead any such person as to time and place of arrival, deceive any person or make false representations to any person, shall not make any solicitation to exchange in any manner cannabis to any individual that has not made a pre-scheduled pre-order,

convey any delivery to any other place or over any street other than that to which the driver was instructed to go. No driver or passenger of a cannabis delivery vehicle shall be permitted to “gift” cannabis, in any amount to any individual. Every owner and/or driver shall be responsible to see to it that all products are carried in a safe and responsible manner and by using a reasonable and direct route from point of origin to point of destination with no additional or unscheduled stops permitted.

4-9.18. Fees.

- a. The annual cannabis delivery vehicle owner's license shall be as prescribed in this chapter. The license shall be effective for a period from January 1 to December 31 of each year and shall be renewed prior to expiration. No cannabis delivery vehicle shall be operated within the City if the renewal license is not granted by the expiration of the existing license. All applications for license renewal shall be made in writing and filed with the City Clerk. The fee for a cannabis delivery vehicle owner's license shall be \$150.00. All licenses are nontransferable.
- b. For the issuance of a cannabis delivery service owner's license for a vehicle replacing that originally licensed, the fee shall be \$25.
- c. The annual cannabis delivery driver's and passenger's license shall be \$10. The license shall be effective for the period from January 1 to December 31 of each year and shall be renewed prior to expiration. No cannabis delivery vehicle shall be operated within the City if the renewal license is not granted by the expiration of the existing license. All applications for license renewal shall be made in writing and filed with the City Clerk. All licenses are nontransferable.

4-9.19. Construal of Provisions.

Nothing in this section shall be construed to exempt any person, firm or corporation owning or operating a cannabis delivery vehicle from complying with the laws relating to the ownership, regulation and operation of automobiles in the State of New Jersey.

4-9.20. Violations and Penalties.

Every person or persons, firm or corporation found guilty in the Municipal Court of competent jurisdiction of violating any of the provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter 1, Section 1-5.

The Sea Isle City Police Department is empowered and authorized to seize and impound any vehicle when probable cause exists to believe that such vehicle is engaging in operations without the required operating or vehicle license, in violation of this section. Vehicles seized in accordance with this section shall be removed to a designated secured facility until such time as the vehicle is in compliance with this section. The owner of said vehicle shall be responsible for any and all costs associated herein. Probable cause shall mean the existence of a reasonable ground to believe that facts exist to justify the impoundment of the vehicle.

The Department of Police shall seize and impound any electronic radio or data communication device possessed or used by a driver, when probable cause exists to believe that such communication device is being used in operations without the required operating or vehicle license, in violation of this section. An electronic, radio or data communication device seized in accordance with this section shall be removed to a designated secured facility. Probable cause shall mean the existence of reasonable ground to believe that facts exist to justify the impoundment of the communication device.

SECTION III. Chapter 26-18.9.3 of the Revised General Ordinances of the City of Sea Isle City, entitled “Future Action on Marijuana” is hereby amended to delete the following section in its entirety and replaced same as follows:

DELETED SECTION:

26-18.9.3 Future Action on Marijuana.

In the event that the State of New Jersey should hereafter legalize the manufacture, sale, or distribution of marijuana, cannabis, or any product containing tetrahydrocannabinol (THC), or their derivatives, for medicinal or recreational purposes, and such legislation grants municipalities the right to deny such sales within municipal boundaries either by "opting-in" or "opting-out," as the case may be, depending on the final version of such legislation should it be approved, it is the intent of the City of Sea Isle City, as expressed in this section, to prohibit all such manufacture, cultivation, growing, sale or distribution of marijuana, cannabis, or any product containing tetrahydrocannabinol (THC), or their derivatives, for medicinal or recreational purposes within the City of Sea Isle City or within any zoning district thereof subject to the exception for licensed pharmacies set forth in Subsection 26-18.9.2 hereof.

REPLACEMENT SECTION:

26-18.9.3 Prohibition of Cannabis Establishments.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all commercial nonmedicinal and medicinal cannabis uses, operations, and activities, including but not limited to, cultivation, dispensaries, distribution, deliveries, manufacturing, processing, microbusinesses, storing, laboratory testing, packaging, labeling and transportation facilities are prohibited uses anywhere within the City of Sea Isle City.

SECTION IV. Severability. If for any reason, any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION V. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION VI. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.


William J. Kehner, Council President


Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 13th day of April, 2021 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 11th day of May, 2021, in City Hall, 3rd Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.


Shannon D. Romano, Municipal Clerk