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# BOROUGH OF ROSELLE PARK

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110 EAST WESTFIELD AVENUE, ROSELLE PARK, NEW JERSEY 07204

MAIN: 908-245-6222

FAX: 908-245-5598

## APPLICATION FOR RECREATIONAL CANNABIS LICENSE APPLICATION INSTRUCTIONS

**PLEASE TAKE NOTICE:** In the event the governing body of the Borough of Roselle Park adopts a Resolution to issue a Local License, said License does not constitute a zoning permit or land use approval and no lot hereafter may be used and no building or part thereof hereafter may be erected, constructed, reconstructed, moved, extended, converted, altered, maintained or used except in conformity with the provisions of the Borough's Municipal Code and all other applicable government requirements, conditions, and approvals.

As per Subsection 4-11 in Chapter 4 of the Borough Code entitled "Cannabis Business Licensing," the following items must be completed, returned, and received required approvals prior to issuing a Local License:

### **APPLICATION:**

Completed and filed by principle individual owner, partner, authorized corporate officer, or managing member of limited liability company, and include copy of the following at the time of application:

- ✓ Individual – Driver's License
- ✓ Corporations - Certificate of Incorporation
- ✓ Partnerships – Partnership Agreement
- ✓ Limited Liability Company - Certificate of Formation & Operating Agreement

### **APPLICATION FEE:**

A nonrefundable application fee must be submitted at the time of application. The required application fee is based on the fee schedule below (note: fees shall aggregate).

License Class	Initial Application Fee	Renewal Application Fee
Class 1 – Cultivator	\$10,000.00	\$5,000.00
Class 2 – Manufacturer	\$10,000.00	\$5,000.00
Class 3 – Wholesaler	\$10,000.00	\$5,000.00
Class 4 – Distributor	\$10,000.00	\$5,000.00
Class 5 – Retailer	\$10,000.00	\$5,000.00

### **BACKGROUND INVESTIGATION:**

After submission, the applicant business owners, partners, or corporate officers owning one-percent (1.00%) or more of an entity may be subject to a background investigation by the Roselle Park Police Department similar to that which is completed by Alcoholic Beverage Control License transferees.

**RETURN COMPLETED APPLICATION WITH REQUIRED NON-REFUNDABLE FEE (PAYABLE BY CERTIFIED CHECK, MONEY ORDER OR CASH) TO THE BOROUGH OF ROSELLE PARK CLERK IN A SEALED ENVELOPE. APPLICATIONS WILL NOT BE ACCEPTED AFTER ANY DEADLINE ESTABLISHED BY THE ROSELLE PARK CANNABIS REVIEW BOARD.**

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MAIN: 908-245-6222

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## APPLICATION FOR RECREATIONAL CANNABIS LICENSE APPLICATION FORM

APPLICATION NO. \_\_\_\_\_

(FOR BOROUGH USE ONLY)

### APPLICATION INFORMATION

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

### OWNER INFORMATION *(If different than above)*

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

## **BUSINESS INFORMATION**

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Name of Business: \_\_\_\_\_

Proposed Location Address: \_\_\_\_\_

Proposed Location Block and Lot Number: \_\_\_\_\_

## **RECREATIONAL CANNABIS CLASS\*** *(Check as Applicable; All Fees are Due in Aggregate)*

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- ~~Class 1 – Cannabis Cultivator (\$10,000 Initial Application; \$5,000 Renewal Application)~~
- Class 2 – Cannabis Manufacturer (\$10,000 Initial Application; \$5,000 Renewal Application)
- ~~Class 3 – Cannabis Wholesaler (\$10,000 Initial Application; \$5,000 Renewal Application)~~
- ~~Class 4 – Cannabis Distributor (\$10,000 Initial Application; \$5,000 Renewal Application)~~
- ~~Class 5 – Cannabis Retailer (\$10,000 Initial Application; \$5,000 Renewal Application)~~

\* **Note:** Pursuant to Section 4-11.2C of the Code of the Borough of Roselle Park, the Borough shall issue no more than three (3) Local Licenses for Class 5 Cannabis Businesses. The number of Local Licenses for Class 1, Class 2, Class 3, and Class 4 shall be at the discretion of the Borough. No Local Licenses for Class 6 Cannabis Businesses shall be issued.

## **REQUIRED ATTACHMENTS** *(Attached Documentation as Applicable)*

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- Proof that the applicant has or will have lawful possession of the premises proposed for the Cannabis Business, 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 intent to lease the premises to the entrant upon successful licensing.
- 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 that they will not and shall not discriminate based on race, color, religion, creed, gender expression, gender identity, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
- A business plan to open and operate the Cannabis Business for which the applicant is seeking a license.

- Demonstration that all applicable State licenses have been obtained or contingently obtained subject to local approvals.
- A full copy of the Application for State Licensure with pages prominently marked “CONFIDENTIAL” as appropriate for purposes of compliance with New Jersey’s Open Public Records Act. Pages not marked as confidential will be disclosed in response to any applicable OPRA request.
- Emergency Contact Information to be utilized by police, fire, and EMS personnel in the event on an on-site emergency.
- A concept plan depicting all existing structures and setbacks, distances, and an indication of whether the existing structures and uses will be retained or removed. The concept plan must include an off-street parking plan for use by the Cannabis Business.

**CERTIFICATION OF APPLICANT**

I, the undersigned applicant, hereby certify that the foregoing information given on this application is true and complete to the best of my knowledge and belief. I further agree to comply with all the laws and Ordinances of the Borough of Roselle Park applicable to the operation of the business described herein. I understand that in the event any information given was willfully false, the license being applied for herein shall be declared null and void.

I, the undersigned applicant, hereby further acknowledge that by certifying this application, in the event the Borough of Roselle Park adopts a Resolution to issue a license does not constitute a zoning permit or land use approval and no lot hereafter may be used and no building or part thereof hereafter may be erected, constructed, reconstructed, moved, extended, converted, altered, maintained or used except in conformity with the provisions of the Borough’s Municipal Code and all other applicable government requirements, conditions, and approvals.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Title of Applicant

**END OF APPLICATION FORM**

First Reading:	06-15-2023
Publication:	06-22-2023
Second Reading:	07-20-2023
Publication:	08-03-2023

**ORDINANCE NO. 2735**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF THE BOROUGH OF  
ROSELLE PARK ENTITLED, "LICENSING AND BUSINESS REGULATIONS,"  
ESTABLISHING A NEW SECTION 11 TO BE ENTITLED,  
"CANNABIS BUSINESS LICENSING"**

**WHEREAS**, the governing body of the Borough of Roselle Park has, by Ordinance, elected to permit Class 1, Class 2, Class 3, Class 4 and Class 5 recreational cannabis businesses within certain Zone Districts of the municipality with appropriate approvals granted by the State of New Jersey; and,

**WHEREAS**, the governing body of the Borough of Roselle Park does now wish to create local licensing requirements for all permitted classes of recreational cannabis businesses.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 4 of the Code of the Borough of Roselle Park be and hereby is amended and supplemented as follows:

**SECTION 1.** Section Title

**§ 4-11 Cannabis Business Licensing.**

**SECTION 2.** Section Purpose

**§ 4-11.1 Purpose.**

The purpose of this Section is to regulate local cannabis business licensing in the Borough of Roselle Park in accordance with the provisions of an Act of Legislature of the State of New Jersey entitled "New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act" (*N.J.S.A. 24:6I-31 et seq.*) and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

The regulations 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, including the Cannabis Regulatory Commission. If any provision of this Section is inconsistent with state statutes and/or regulations, the state statutes and/or regulations shall prevail.

**SECTION 3.** Licensing

**§ 4-11.2 Local License Required.**

A. Pursuant to the authority granted by *N.J.S.A. 24:6I-45(c)(2)*, no person or entity shall operate a Cannabis Business in the Borough without obtaining a local license pursuant to this Section. For the purposes of the foregoing Section of the Municipal Code, a "Cannabis Business" shall be that which is defined within § 40-601 and otherwise restricted and permitted by the municipal zoning provision of Chapter 40. No local license shall be valid unless a license is also issued to the applicant by the State of New Jersey in

accordance with the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act.

- B. A local Cannabis Review Board, comprised of members as enumerated below, will act as the local review body of the Borough for all Cannabis Businesses. However, the authority and responsibility to activate, suspend and revoke such licenses shall remain with the governing body of the Borough of Roselle Park subject and conditional to Land Use approvals and State licensure. Under all circumstances which State law requires communication to the Borough by the Cannabis Regulatory Commission, or any other State agency with regard to the licensing of Cannabis Businesses by the State, or in which State law requires any review or approval by the Borough of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be communicated through the Office of the Borough Clerk upon recommendation by the Cannabis Review Board and as authorized by the governing body.**
- 1. The Cannabis Review Board shall consist of five (5) members and include the following:**
    - a. The Mayor;**
    - b. The Chief Administrative Officer;**
    - c. The Chief of Police;**
    - d. The Zoning Officer;**
    - e. The Class II Member of the Municipal Land Use Board.**
  - 2. The Mayor shall serve as the Chairperson of the Cannabis Review Board.**
  - 3. No member of the Cannabis Review Board may hold interest in or be related to an applicant. In either circumstance, the Board Member must recuse themselves from the applicant's review.**
  - 4. The Cannabis Review Board shall be supported by the Borough Attorney, and other professionals and employees of the Borough as may be required from time to time.**
  - 5. The Cannabis Review Board is hereby designated to act as the local licensing application review board for the Borough of Roselle Park for all Cannabis Businesses.**
- C. The Borough shall issue no more than three (3) local licenses for Class 5 Cannabis Businesses. Local licenses for Class 1, Class 2, Class 3, and Class 4 Cannabis Businesses shall be issued at the discretion of the Borough. No local licenses for Class 6 Cannabis Businesses shall be issued.**

**SECTION 4.** Applications

**§ 4-11.3** Application for License; Procedure.

- A. In order to obtain a local license to operate a Cannabis Businesses within the Borough of Roselle Park an interested party must first file an application to Cannabis Review Board through the Office of the Borough Clerk. Applications shall be on standardized forms approved by the Cannabis Review Board, maintained and available through the Office of the Borough Clerk.
- B. The Cannabis Review Board shall establish a reasonable application period and deadline for submission of applications. Such application period and deadline shall be advertised, at a minimum, by way of the Borough's official newspapers similar to the requirements for advertising a sealed public bid. All applications shall be date and time stamped upon receipt by the Office of the Borough Clerk. All meetings of the full Cannabis Review Board shall be open to the public.
- C. Upon the conclusion of the application period, the Cannabis Review Board shall review and make recommendations with respect to approval or denial of each application to the governing body consistent with state law. At a minimum, all applications must contain:
1. Completed standardized application forms, required checklists, certifications and other submittals as may be required by the Cannabis Review Board;
  2. Full payment of all applications fees required by this Section; and,
  3. The satisfactory demonstration that all applicable State licenses have been obtained, or will be obtained.

Any omission of the above documentation and information shall render an application incomplete. The Cannabis Review Board shall not proceed further with the application, and said application shall receive no recommendation with respect to approval or denial.

- D. In the event there are multiple applicants for local licensure, the Cannabis Review Board shall evaluate all applicants and issue a recommendation after consideration and evaluation of the following criteria:
1. Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, 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-five percent);
  2. Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement with preference to such experience in the County of Union, and applicant's plans for

storage of products and currency, physical security, video surveillance, security personnel, and visitor management (twenty-five percent);

3. Applicant's or its owners' demonstrated sufficient experience as responsible employers, defined as operating businesses that are parties to collective bargaining agreements in the regulated cannabis industry for at least six (6) months prior to application for such permit, in an effort to create well-paying jobs with employee benefits in the municipality (twenty percent);
  4. Applicant's experience with banking in the regulated cannabis industry in accordance with federal FinCEN guidance regarding marijuana-related businesses, which shall include a letter from one or more financial institutions stating such institution is aware of applicant's business activities in regulated cannabis (ten percent);
  5. Applicant's environmental impact and sustainability plan (ten percent); and,
  6. Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether it holds certifications as a NJ minority-owned, women-owned, or veteran-owned business (ten percent).
- E. Each conditional approval of the governing body shall entitle the recipient applicant to pursue local land use and State approvals for twelve (12) months after the date of the notice of conditional approval. Should local land use and State approvals not be obtained within twelve (12) months of the notice of conditional approval of the governing body, such conditional approval shall be considered null and void.

#### SECTION 5. License Terms and Renewals

##### § 4-11.4 License Term and License Renewal.

- A. Any local license issued pursuant to this Section shall be valid for a period of one (1) year from the date of unconditional status, subject to payment of an annual renewal fee and shall likewise be renewed in accordance with the provisions of this Section. All local cannabis licenses shall not be transferable, assignable, or divisible.
- B. An application for renewal of a local Cannabis Business license shall be filed with the Office of the Borough Clerk at least sixty (60) calendar days prior to the expiration of the current license. The applicant shall pay a renewal fee in accordance with the fee schedule set forth in this Section.
- C. Within fourteen (14) days of a local licensee receiving renewal of a State license issued by the State of New Jersey the Cannabis Business shall submit a copy of same to the Office of the Borough Clerk.

#### SECTION 6. Fee Schedule



§ 4-11.5 Fees.

License Class	Initial Application Fee	Renewal Application Fee
Class 1 – Cultivator	\$10,000.00	\$5,000.00
Class 2 – Manufacturer	\$10,000.00	\$5,000.00
Class 3 – Wholesaler	\$10,000.00	\$5,000.00
Class 4 – Distributor	\$10,000.00	\$5,000.00
Class 5 – Retailer	\$10,000.00	\$5,000.00

**SECTION 7.** Invalidity

If any section or portion of a section of this Ordinance shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

**SECTION 8.** Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 9.** Captions and Editing Indications.


Any captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 10.** Effective Date.

This Ordinance shall become effective upon publication of the Notice of Final Adoption prepared by the Office of the Borough Clerk.

Introduction: June 15, 2023

Adoption: July 20, 2023

Attest:   
 Andrew J. Casais, RMC  
 Borough Clerk

  
 Joseph Signorello III  
 Mayor

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson	X			
Signorello	X			
Robaina	X			
Lyons		X		
Patel		X		

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson	X			
Signorello	X			
Robaina	X			
Lyons		X		
Patel		X		

Copy To: C. Berlen (Borough Attorney), D. Frino (Chief of Police), R. Belluscio (Zoning Officer).