

# Ordinance

Ordinance No. 30

OF THE  
CITY OF ATLANTIC CITY, N.J.

Date..6-16-2021...  
Date to Mayor.7-22-2021...

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Legislative Counsel /s/ Robert Tarver

/s/ Robert Tarver

Prepared by the City Solicitor's Office

Council Members TIBBITT, KURTZ, RANDOLPH, MORSHED, ZIA & SHABAZZ Present the following Ordinance:

## **AN ORDINANCE OF THE CITY OF ATLANTIC CITY AMENDING CHAPTER 176 REGULATING MARIJUANA TO RESTRICT RETAIL SALES FROM THE BOARDWALK**

**WHEREAS**, on February 22, 2021, the Governor of the State of New Jersey signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c. 16 (the "Act") codified at N.J.S.A. 2C:35-10a, and marijuana decriminalization laws; and

**WHEREAS**, the new law legalizes and regulates cannabis use and possession for adults who are 21 and older; and

**WHEREAS**, the new law, through control and regulation of the manufacturing, distribution and sales of cannabis will strengthen the state and the local government's ability to keep marijuana, along with illegal marijuana from minors under the age of 21; and

**WHEREAS**, the new law does not preempt a municipality's authority to limit the number of Cannabis establishments, distributors, or delivery services, or their location, manner, or times of operation; and

**WHEREAS**, the City of Atlantic City retains authority pursuant to N.J.S.A. 40:48-2 to make, amend, repeal and enforce such ordinances, regulations, or rules not contrary to the laws of the State of New Jersey or 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**, the City of Atlantic City, having reviewed the matter deems it in the City's best interests to regulate the location of retail Cannabis establishments and restrict the sale of Cannabis and cannabis derivatives from the Atlantic City Boardwalk.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Atlantic City that City Code Chapter 176 Marijuana, Article I Marijuana Distribution facilities is amended as follows:

**SECTION 1.** 176-1 Location restricted shall be deleted and replaced with the following:

- A. Any facility which exists for the purpose of distribution of marijuana or any cannabis derivative shall be a permitted use in a district or area which has been zoned as industrial.
- B. Retail facilities and retail sales shall be a conditionally permitted in all commercial zones or retail zones, with the exception of the Atlantic City Boardwalk, subject to conditions set forth in any applicable zoning ordinance; or receiving a variance from one or more of the conditions in accordance with the “Municipal Land Use Law”; and subject to the rules and regulations of the Cannabis Regulatory Commission
- C. Medicinal facilities shall not operate as any class of license under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act until the facility has received both written authorization for a proposed cannabis establishment, distributor, or delivery service from the municipality in which the proposed establishment, distributor, or delivery service is to be located, and a license from the Cannabis Regulatory Commission. Facilities located in the Tourism District shall be required to receive written authorization from the Casino Reinvestment Development Authority.
- D. Medicinal facilities operating in residentially zoned areas as of September 26, 2018 are exempted from the above restrictions.

**SECTION 2.** The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**SECTION 3.** All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency

**SECTION 4.**

If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 5.**

This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

7-B

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO		X					MORSHED				X		
DUNSTON		X					RANDOLPH	X					X
FAUNTLEROY		X					SHABAZZ	X				X	
KURTZ	X						ZIA	X					
TIBBITT, PRESIDENT								X					
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...JUNE 16, 2021.....

Adopted on second and final reading after hearing on.....JULY 21, 2021.....

Approved By.../s/...MARTY SMALL, SR....Date...7/22/2021....By Council.....Reconsidered \_\_\_\_\_ Over \_\_\_\_\_  
 Ride \_\_\_\_\_

Mayor

Aye                      Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

/s/.....PAULA GELETEI, City Clerk

7-B

ew March 9, 2022 1:18 PM

DO NOT USE SPACE BELOW THISLINE

RECORD OF COUNCIL VOTE ON FIRST PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO		X					MORSHED	X					X
DUNSTON		X					RANDOLPH	X				X	
FAUNTLEROY		X					SHABAZZ	X					
KURTZ	X						ZIA	X					
							TIBBITT, PRESIDENT	X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...JUNE 16, 2021.....