

CITY OF ENGLEWOOD

ORDINANCE NO. 25-17

**ORDINANCE ESTABLISHING CHAPTER 155 “CANNABIS SALES,
UNREGULATED” OF THE CITY CODE FOR THE CITY OF ENGLEWOOD
RELATING TO THE PROHIBITION OF THE SALE AND PURCHASE OF
UNLICENSED OR UNREGULATED THC PRODUCTS**

WHEREAS, in or about February of 2021 Legislation was enacted in the State of New Jersey to allow for the legalization of a controlled forms of cannabis for adults at least 21 years of age; and

WHEREAS, the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (“the Act”), in addition to legalizing the recreational use of marijuana by adults 21 years of age or older, established the comprehensive regulatory and licensing scheme for commercial cannabis operations, use and possession; and

WHEREAS, said Legislation required such entities to be duly licensed by the State of New Jersey and local government units; and

WHEREAS, while the City of Englewood currently does not permit the operation of any cannabis establishments within the City of Englewood, there is concern that the sale and purchase of same is occurring within the City by unlicensed and unregulated entities; and

WHEREAS, the City of Englewood seeks to prohibit the unlicensed sale and purchase of cannabis products containing (tetrahydrocannabinol “(THC)” in the City of Englewood; and

WHEREAS, in order to protect the public health, safety and welfare of the residents of the City of Englewood from such unlicensed sales and purchases;

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the City of Englewood as follows:

Chapter 155

CANNABIS SALES, UNREGULATED

Article I

**PROHIBITION OF THE SALE AND PURCHASE OF UNLICENSED OR
UNREGULATED THC PRODUCTS**

§ 155-1 Definitions.

As used in this article, the following words shall have the following meanings:

THC (tetrahydrocannabinol) Product or Substance

Any product or substance containing:

Tetrahydrocannabinols, artificially-derived cannabinoid, or hemp product; or
Tetrahydrocannabinolic acids that are artificially or naturally derived; or
Delta-8 THC; or
Optical isomers of delta-8-tetrahydrocannabinol or delta-9-tetrahydrocannabinol; or
Any other variation of a chemical or natural component that contains
Tetrahydrocannabinols, artificially-derived cannabinoid, or hemp product; or
Tetrahydrocannabinolic acids

UNLICENSED OR UNREGULATED THC PRODUCT OR SUBSTANCE

Any of the above-mentioned THC (tetrahydrocannabinol) product or substance that has not been approved by the State of NJ via regulation pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, New Jersey Compassionate Use Medical Marijuana Act, and/or Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, or otherwise regulated by State law, that is not sold by a NJ licensed vendor that is approved by an appropriate jurisdiction, city, borough, town, municipality, or alike in the state of NJ.

REGULATED THC PRODUCT

Any of the above-mentioned THC (tetrahydrocannabinol) product or substance that has been approved by the State of NJ via regulation pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, New Jersey Compassionate Use Medical Marijuana Act, and/or Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, or otherwise regulated by State law, that is sold by a NJ licensed vendor that is approved by an appropriate jurisdiction, city, borough, town, municipality, or alike in the state of NJ. These products are stamped or packaged with the authorized endorsement of the appropriate agency, or in the approved manner, which shows to be an appropriately regulated cannabis product.

SALE OR DISTRIBUTE

To furnish, give away, exchange, transfer, deliver or supply, for monetary gain. Monetary gain can also include the transfer when an item of value is transferred to the “seller” for the THC product or substance. This also includes “gifting” an item which is generally described as offering another item for sale, usually at a higher retail value, and “gifting” or including the THC product or substance in or as part of the transaction.

Sale or distribution shall also include a coordinated process when two or more individuals work in concert to deliver or transfer the product or substance and receive payment. In these instances, each individual in the process may be cited for a violation.

BUY OR PURCHASE

To acquire possession or ownership by payment of money or other item of value. This shall include gaining possession by gifting, which is described above.

§ 155-2 Unlicensed Sale of Unregulated THC Products or Substances or Unlicensed Sale of Regulated THC Products or Substances

No person shall sell or distribute, who is not properly authorized by the State of NJ and the City of Englewood, any regulated or unregulated THC product or substance.

§ 155-3 Unlicensed Purchase of Unregulated THC Products or Substances or Regulated THC Products or Substances

No person shall buy or purchase any regulated or unregulated THC product or substance from an individual(s), business or organization who is not properly authorized to sell THC by the State of NJ and the City of Englewood.

§ 155-4 Display or Offer for Sale of THC Products or Substances by an Unlicensed Individual(s), Business, or Organization

No individual(s), business, or organization shall display or offer for sale any THC products or substances, unless the individual(s), business, or organization is properly authorized by the State of NJ and the City of Englewood to sell or distribute THC products or substances.

Any individual(s), business, or organization found to have violated this section of the ordinance shall turn over all visible products in violation of the ordinance to the Health Department. If the individual(s), business, or organization refuses to do so, each visible product not turned over will result in an additional violation of the ordinance.

In these instances, the employees on site as well as the business or organization or owner(s) may all be cited for these violations individually and separately for the same offense.

§ 155-5 Enforcement.

The enforcement authority of this article shall be the Police Department and Health Department of the City of Englewood.

§ 155-6 Violations and penalties.

Any person who violates any provision of this article shall be subject to a fine of not less than \$500 for the first offense, \$1,000 for the second offense and \$5,000 for each subsequent offense. It will be at the discretion of the City Employee citing the individuals to charge or not charge a cooperating party of the transaction.

Juveniles, or individuals under the age of 18 years, may be issued a summons or warning for these violations. However, each time a juvenile is found in violation of this ordinance, the juvenile's parent(s) or guardian(s) will immediately be made aware of the offense. The parent(s) or guardian(s) shall meet with the Juvenile Bureau of the Police Department and conference with juvenile as well as his or her parent(s) or guardian(s). This conference will outline preventive steps to ensure further violations will not occur and the juvenile will be educated about the dangers of conducting himself or herself in such a manner. If the conference and results do not meet the satisfaction of the Juvenile Bureau and the Chief of Police, or if there is non-compliance on the part of the juvenile or parent(s) or guardian(s), a summons or written warning may be issued to the juvenile.

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RECORD OF VOTE

FIRST READING DATE: March 18, 2025

COUNCIL	MOTION	VOTE
David		Y
Rosenzweig		Y
Tokayer	X	Y
Wilson		Y
Wisotsky		Y

DATE PUBLISHED IN THE RECORD: March 24, 2025

DATES PUBLIC HEARINGS HELD: April 1, 2025

DATE SECOND READING HELD: April 1, 2025

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
David						
Rosenzweig						
Tokayer						
Wilson						
Wisotsky						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of
an Ordinance adopted and approved by the Mayor and
Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk