

## **CITY OF ENGLEWOOD**

### **ORDINANCE #25-40**

#### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 250, THE LAND USE CODE OF THE CITY OF ENGLEWOOD TO PERMIT RETAIL SALES OF CANNABIS PRODUCTS WITHIN CERTAIN ZONES**

**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 provides, in relevant part, that a municipality may enact ordinances, not in conflict with the provisions of P.L.2021, c.16, governing the number of cannabis establishments, as well as the location, manner, and times of operation of cannabis establishments, and may establish civil penalties for violation of such an ordinance; and

**WHEREAS**, the Act further provides, in relevant part, that a municipality may adopt an ordinance imposing a local cannabis transfer tax and user tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Englewood, County of Bergen, and State of New Jersey as follows:

**SECTION 1.** Chapter 250, Article X, Terminology is hereby amended as follows:

As used in this section, the following terms shall have the meanings indicated:

#### **ADULT USE CANNABINOID ITEMS**

Any product(s) containing 0.5 milligrams or more of any combination of THC or adult use cannabinoids as defined herein, including delta-8 THC or delta-8-tetrahydrocannabinol, delta-10 THC, Tetrahydrocannabivarin ("THC-V"), THC-O-Acetate ("THC-O"), hexahydro cannabinol ("HHC"), or any other cannabinoids advertised by the manufacturer or seller as having an intoxicating effect.

#### **CANNABIS**

All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and

36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or marihuana as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2) and applied to any offense set forth in the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

1. Any tetrahydrocannabinols, artificially-derived cannabinoid, or hemp product or that is not subject to 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, and that is reasonably determined to have an intoxicating effect when ingested, smoked or otherwise consumed;
2. Tetrahydrocannabinol acids that are artificially or naturally derived;
3. Delta-8 THC;
4. Optical isomers of delta-8-tetrahydrocannabinol or delta-9-tetrahydrocannabinol.

## **CANNABIS DELIVERY**

Shall mean the transportation of cannabis items and related supplies to a consumer. "Cannabis delivery" also includes the use by a licensed cannabis retailer of any third-party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

## **CANNABIS DELIVERY SERVICE**

Shall mean any person or entity holding a Class 6 cannabis delivery license issued by the State of New Jersey 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, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

## **CANNABIS ESTABLISHMENT**

Shall mean a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, a cannabis distributor and a cannabis delivery service.

## **CANNABIS ITEM**

Shall mean any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Honig Act and N.J.S.A. 18A:40-12.22, et al., or hemp or a hemp product cultivated, handled, processed, transported or sold pursuant to the "New Jersey Hemp Farming Act" N.J.S.A. 4:28-6, et al.

## **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, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

**SECTION 2.** Chapter 250, Article XIIA, §250-90, Prohibited Uses, is hereby amended to read as follows:

All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, *with the exception of retail sales of cannabis products as permitted under this chapter, but not and* the delivery of cannabis items and related supplies by a delivery service *as permitted by state law are prohibited in any zone.*

**SECTION 3.** Chapter 250 is hereby amended to add Article XXII, Cannabis Establishments as follows:

§250-159 Cannabis Establishments. Cannabis establishments permitting the retail sale of cannabis shall be permitted subject to the following requirements:

- A. Cannabis establishments for the retail sale of adult use cannabis products as defined by code is hereby permitted along Highway Route 4 limited to the following zones:
  - (1) Light Industrial, LI District.
  - (2) Special Business, SBD District.
  - (3) Research, Industry and Medical, RIM District
- B. Cannabis establishments shall be subject to the licensing requirements under Chapter 432.
- C. The establishment must front along the highway.
- D. Access to the establishment must be from the highway frontage.
- E. Cannabis establishments shall be limited solely to Class 5 licenses for the retail sales of adult cannabis products only. No other class of license is permitted to operate within the City of Englewood.
- F. Any establishment seeking a license for the retail sale of cannabis products shall require site plan

approval from the Planning Board as required by Chapter 432.

G. All applicable zoning requirements including, but not limited to area, bulk, parking and loading requirements of the underlying zone shall apply.

**SECTION 4.** All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** If any section, paragraph, subdivision, clause of provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

**SECTION 6.** This ordinance shall take effect immediately after final passage, approval and publication as required by law.

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FIRST READING DATE: October 21, 2025

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

DATE PUBLISHED IN THE RECORD: October 27, 2025

DATES PUBLIC HEARINGS HELD: December 16, 2025

DATE SECOND READING HELD: December 16, 2025

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

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

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PRESENTED TO MAYOR:

APPROVED \_\_\_\_\_

REJECTED \_\_\_\_\_ (VETO)

DATE: \_\_\_\_\_

MAYOR MICHAEL WILDES

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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.

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Yancy Wazirmas, RMC  
City Clerk