

RESOLUTION NO. 2023-75

A RESOLUTION CONSISTENT WITH CERTAIN REQUIREMENTS SET FORTH IN THE MEMORANDUM OF THE NEW JERSEY CANNABIS REGULATORY COMMISSION DATED DECEMBER 10, 2021 AND ITS NOTICE OF APPLICATION ACCEPTANCE FOR PERSONAL USE CANNABIS, AS REQUIRED FOR CANNABIS LICENSE APPLICATIONS OF JERSEY GEM FARMS, LLC FOR CLASS 1-CULTIVATOR AND CLASS 2-MANUFACTURER.

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, on February 22, 2021, P.L. 2021, c.16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act") was signed into law, 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 (6) marketplace classes of licensed cannabis businesses, specifically including a Class 1 Cannabis Cultivation license and a Class 2 Cannabis Manufacturing license; and

WHEREAS, Section 31a of the Act authorizes municipalities to adopt by ordinance the number of Cannabis licenses that will be available for each of the Cannabis uses that are permitted in designated zones within the municipality; and

WHEREAS, by Ordinance the Council of the City of Vineland (“City”) has provided that five (5) Cannabis licenses would be available for each of the Class 1, 2, 3, and 4 uses, and two (2) licenses would be available for the Class 5 use; and

WHEREAS, the Ordinance further established that the Cannabis licensee would be required to site his, her or its establishment within a designated area of the City.

WHEREAS, Jersey Gem Farms LLC (“Jersey Gem”) has applied to the New Jersey Cannabis Regulatory Commission (“CRC”) for Class 1-Cultivator and Class 2-Manufacturer licenses and has received Conditional licensing to operate a cannabis business for both Cultivator and Manufacturer; and

WHEREAS, Jersey Gem has secured control of a location in the City for a Class 1-Cultivator/ Class 2 Manufacturer cannabis establishment that is within a City zone that permits such cannabis establishment and is at a procedural point in the cannabis application process to require that it commence application to the CRC for conversion from conditional licensing to an annual license; and

WHEREAS, among other things, a mandatory application requirement for annual license applicants, pursuant to NJAC 17:30-7.10 is to provide proof to the CRC that City Council, as the governing body, has adopted a resolution setting forth the following ministerial statements of fact:

1. The license applicants legal name under which they are authorized to do business in the State of New Jersey;
2. A determination that the municipality has authorized the type of cannabis business being sought by the license-applicant to operate within its jurisdiction;
3. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license-applicant by the Commission would not exceed that limit.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Vineland, State of New Jersey, that the City makes the following representations to the CRC consistent with the regulations referenced hereinabove, and including as referenced in the CRC’s Memorandum To Municipal Officials For Cannabis Business Licensure, dated December 10, 2021 and the CRC’s Notice of Application Acceptance for Personal Use Cannabis:

- i. This Resolution concerns Jersey Gem Farms LLC with a License Facility Address at Blocks 229-236, Galloway, New Jersey 08215, and having been issued a Conditional License for Class 1-Cultivator, License Number C000026 and a Conditional License for Class 2-Manufacturer, License Number M000028;
- ii. The City of Vineland has authorized, among other things, the type of cannabis business licenses being sought by the license-applicant to operate within the City's jurisdiction; i.e. Class 1-Cultivation and Class 2-Manufacturer;
- iii. The City confirms that it has imposed a limit on the number of licensed cannabis businesses (five license limit on Class 1, Class 2, Class 3, and Class 4 and a two license limit on Class 5) and at the time of adoption of this Resolution the issuance of a Class 1-Cultivator and Class 2-Manufacturer license to Jersey Gem Farms, LLC would not exceed that limit.

BE IT FURTHER RESOLVED, AS FOLLOWS:

1. Nothing in this Resolution shall preclude the Mayor and Council from issuing additional such resolutions to other applicants, to the extent that may be permissible under regulations promulgated by the CRC, nor shall it limit the Mayor and Council's authority with respect to any request for input from the CRC as to their preferred licensee should additional applicants seek licenses within the City that are available under the City's Ordinance;
2. Nothing in this Resolution is intended to affirm that Jersey Gem Farms, LLC will ultimately be granted a license from the City to operate a cannabis business within the City, as evidence of compliance with the City's laws and regulations will be required to be demonstrated by the applicant at the appropriate time;
3. A certified copy of this Resolution shall be provided to the applicant's appropriate representative;
4. This Resolution shall take effect immediately.

Adopted:

President of Council

ATTEST:

City Clerk