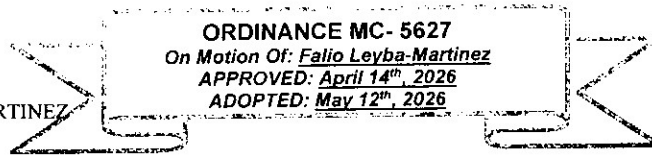


LEYBA-MARTINEZ
04/14/2026



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revised

ORDINANCE AMENDING CHAPTER 485 AND CHAPTER 870 TO FURTHER REGULATE THE LICENSING AND REGULATION OF TOBACCO STORES AND TOBACCO SHOPS, SMOKE SHOPS AND OTHER RETAIL BUSINESS ESTABLISHMENTS INVOLVED IN THE PRINCIPAL SALE OF TOBACCO, TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA IN THE CITY OF CAMDEN AND TO ALSO DENY ANY FUTURE LICENSES FOR THESE ESTABLISHMENTS

WHEREAS, the City of Camden currently licenses and regulates tobacco stores or tobacco shops, smoke shops and other retail business establishments whose business involves the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia; and

WHEREAS, the City of Camden seeks to now cease issuing future licenses to tobacco stores or tobacco shops, smoke shops and other business establishments whose business involves the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia except for those licenses the City has already issued; and

WHEREAS, the City Council of the City of Camden now seeks to amend Chapter 485, Sections 870-37 and 870-38.1 of the Camden City Code including providing revised definitions and to cease issuing licenses to any future establishments seeking a license to establish and operate as a tobacco store or tobacco shop, a smoke shop and any other retail business establishment whose business involves the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia; and

WHEREAS, the Administration of the City of Camden also seeks to adopt land use regulations and other requirements for tobacco stores or tobacco shops, smoke shops and other retail businesses involved in the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia to further promote the health, safety, and general welfare of the community; and

WHEREAS, the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*, delegates to municipalities the power to zone and regulate development within its borders by adopting or amending zoning ordinances relating to the nature and extent of the uses of land and structures thereon; and

WHEREAS, the Planning Board has reviewed this ordinance and determined that the proposed ordinance was consistent with the City's Master Plan, and made certain other recommendations with respect to the Report and Recommendations which it determined was consistent with the City's Master Plan, and which are to be included herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Camden as follows:

AMENDMENTS OF CHAPTER 485

§485-10. Review of application; factors to be considered.

- A. Same.
- B. Same.
- C. Same.
- D. Same.
- E. Subject to license renewals, the Chief License Inspector shall no longer issue a "Retail Sale of Tobacco License" to any business in the City of Camden as tobacco stores or tobacco shops, smoke shops or other retail business establishments involved in the "Principal Sale of Tobacco, Tobacco Products, Smoking Paraphernalia and Tobacco Paraphernalia" as defined herein, are no longer permitted in the City of Camden.

AMENDMENTS OF CHAPTER 870

§ 870-37 -- PROHIBITED USES IN ALL DISTRICTS

All uses not expressly permitted by this chapter are prohibited in all districts (unless permitted by conditional use permit as elsewhere in this chapter provided), such prohibition to include but not be limited to the following:

A – AA.

Same.

BB. Tobacco Stores or Tobacco Shops, Smoke shops and other retail business establishments involved in the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia, as defined in §870-38.1 herein, seeking a "Retail Sale of Tobacco License" in the City of Camden.

§870-38.1—PERMITTED USES IN CERTAIN WARDS – LICENSING AND REGULATING TOBACCO STORES AND TOBACCO SHOPS, SMOKE SHOPS AND OTHER RETAIL BUSINESS ESTABLISHMENTS INVOLVED IN THE PRINCIPAL SALE OF TOBACCO, TOBACCO PRODUCTS, SMOKING PARAPHERNALIA AND TOBACCO PARAPHERNALIA

A. Purpose.

Same.

B. Recitals Incorporated.

Same.

C. Definitions.

The following amendments shall be added to current definitions:

Principal Sale of Tobacco, Tobacco Products, Smoking Paraphernalia and Tobacco Paraphernalia refers to an establishment which meets the definition of a Smoke Shop, Tobacco Store or Tobacco Shop as defined, herein.

Smoke Shop – a retail business which displays, sells, distributes, delivers, offers, furnishes or markets tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia and meets one of the following conditions: (1) has visible exterior signage that references smoking, the use of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia; (2) has visible interior signage that references smoking, the use of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia and has displays of tobacco products, smoking products, smoking paraphernalia or tobacco paraphernalia, measuring a total of ten (10) or more linear feet; or (3) has retail sales of smoking products or smoking paraphernalia of more than \$1000 in any calendar month of a year. Smoke Shop shall not include a grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco or tobacco products as an ancillary sale and shall not be subject to the restrictions in this chapter.

D. Licensing requirements.

1. A tobacco store or tobacco shop, smoke shop or other retail business establishment whose business involves the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia and obtained a “Retail Sale of Tobacco License” or “Retail Sale of Tobacco License - Nonconforming” shall be entitled to continue ongoing business operations subject to license renewal requirements.
2. No person shall establish, maintain or operate a tobacco store or tobacco shop, smoke shop or other retail business establishment involved in the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia without first obtaining a “Retail Sale of Tobacco License” or “Retail Sale of Tobacco License - Nonconforming” from the City of Camden.
3. Subject to license renewals, no other person shall be issued a “Retail Sale of Tobacco License” at any time in the City of Camden.
4. [Former 3] Application Process
 - (a) Subject to license renewals, no other person shall be issued a “Retail Sale of Tobacco License” at any time in the City of Camden.
 - (b) The Chief License Inspector is hereby designated to act as the licensing authority for the City for all applications seeking a license pursuant to this Chapter.
 - (c) For those tobacco stores or tobacco shops, smoke shops and other retail business establishments whose business involves the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia and which are operating through a Mercantile License issued by the City of Camden at the

time of enactment of this Section, such business shall be listed as “nonconforming” pursuant to § 870-187 of the Camden Code and such business shall be eligible to continue such operations pursuant to the provisions of § 870-187 of the Camden Code. The license shall continue to be reviewed and renewed as a “Retail Sale of Tobacco License - Nonconforming”. For those businesses that were issued a “Retail Sale of Tobacco License”, the Chief License inspector shall utilize the previous process for reviewing and approving renewal of this license and this license shall continue to be issued as a “Retail Sale of Tobacco License”.

(d) Same.

(e) Same.

(f) Any “Retail Sale of Tobacco License” or “Retail Sale of Tobacco License - Nonconforming” issued pursuant to this section shall be valid for a period of one year from the date of issuance and shall be renewed in accordance with the provisions of this section and Chapter 485.

g. All current tobacco stores or tobacco shops, smoke shops and other retail business establishments involved in the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia shall be issued a “Retail Sale of Tobacco License - Nonconforming” license or a “Retail Sale of Tobacco License” prior to continue to engaging in the retail business of selling, tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia.

5. [Former 4]. The Chief License Inspector shall no longer issue a “Retail Sale of Tobacco License” to any business in the City of Camden as tobacco stores or tobacco shops, smoke shops or other retail business establishments involved in the “Principal Sale of Tobacco, Tobacco Products, Smoking Paraphernalia and Tobacco Paraphernalia” as defined herein, are no longer permitted in the City of Camden.

6. [Former 5]. Distance Requirements.

(a) A retail sale of tobacco licensee shall not operate its business within:

[1] – [3] Same.

7. [Former 6]. All currently operating tobacco stores or tobacco shops, smoke shops and other retail business establishments involved in the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia shall be licensed with a “Retail Sale of Tobacco License” or a “Retail Sale of Tobacco License – Nonconforming, as appropriate.

8. [Former 7]. Upon renewal of its license, a currently operating smoke shop, tobacco store or tobacco shop and other retail business establishment involved in the principal sale of tobacco, tobacco products, smoking paraphernalia and tobacco paraphernalia shall be issued a “Retail Sale of Tobacco License” or a “Retail Sale of Tobacco License - Nonconforming” license, as appropriate.

9. [Former 8]. The Department of Code Enforcement shall develop and oversee the process for licensing and license renewals for a “Retail Sale of Tobacco License” and the “Retail Sale of Tobacco License – Nonconforming.

10. [Former 9]. The Department of Code Enforcement shall also develop policies and procedures related to appropriate internal and external advertising at any business establishment that falls within the provisions of §870-38.1 of this Chapter that has either a “Retail Sale of Tobacco License” or a “Retail Sale of Tobacco License – Nonconforming” license.

11. [Former 10]. Pursuant to Section 485-10 and Section 870-38.1 herein, the Department of Code Enforcement and the City’s Health Officer shall have the authority to enforce this Section’s

provisions. This section shall not be seen as modifying, in any way, the authority of the City's Health Officer and Law Enforcement to enforce the prohibition against flavored vapor products pursuant to N.J.S.A. 2A: 170-51.12.

12. [Former 11]. A "Retail Sale of Tobacco License" and the "Retail Sale of Tobacco License – Nonconforming" shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Section and the Camden Code.
13. [Former 12]. Nothing in this Section shall exempt any business establishment from seeking and obtaining site plan approval as required by the provisions of the Camden City Code.
14. [Former 13] The maximum hours of operation for any retail business operating pursuant to this Section shall be those specified in §485-32 of the Camden Code.

E. Fees.

- (1) Retail Sale of Tobacco License – nonconforming - \$219.42.
- (2) Retail Sale of Tobacco License - \$1250.00.

F. VIOLATIONS AND PENALTIES.

Violations and penalties of this Section shall be imposed in accordance with the provisions of §1-15 of the Camden Code.

Referral to Planning Board. Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the City of Camden Planning Board for review pursuant to *N.J.S.A.* 40:55D-26.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

BE IT FURTHER ORDAINED that this ordinance shall take effect twenty (20) days after its final passage and publication as provided by law.

BE IT FURTHER ORDAINED that if any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.


BE IT FURTHER ORDAINED that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction: April 14, 2026

The above has been reviewed
and approved as to form.


DANIEL S. BLACKBURN
City Attorney


ANGEL FUENTES
President City Council


VICTOR CARSTARPHEN
Mayor

ATTEST:


LUIS PASTORIZA
Municipal Clerk



OFFICE OF THE CITY CLERK
CITY OF CAMDEN
NEW JERSEY

LUIS PASTORIZA, M.S.M., R.M.C., C.M.R.
MUNICIPAL CLERK
TEL: 856-757-7223
EMAIL: CLERK@CAMDENNJ.GOV
WEBSITE: CAMDENNJ.GOV


VICTOR G. CARSTARPHEN
MAYOR

MEMORANDUM

DATE: May 13, 2026
TO: Victor Carstarphen, Mayor
FROM: Luis Pastoriza, Municipal Clerk
RE: Ordinance Final Passage – (MC-5627)

Ordinance Amending Chapter 485 and Chapter 870 to further regulate the licensing and regulation of Tobacco Stores and Tobacco Shops, Smoke Shops, and other retail business establishments involved in the Principal Sale of Tobacco, Tobacco Products and Tobacco Paraphernalia in the City of Camden and to also deny any future licenses for these Establishments

In accordance with Rule XIX of the Administrative Code of the City of Camden (Rules of Procedure governing the City Council), I am delivering to you the attached ordinance adopted by City Council at a **Regular** meeting held on **5-12-2026**. Said article provides that "each ordinance shall be returned by the Mayor to the Municipal Clerk after the Mayor has affixed his /her signature thereto or after the expiration of **ten (10) days** from the date of its delivery to the Mayor in any event."

OFFICE OF THE MAYOR	
Received by: 	Date: <u>5/13/26</u>
Date of Approval: <u>5/12-7/26</u>	