ORDINANCE NO. 2026-9

AN ORDINANCE OF
THE TOWN OF SECAUCUS, NEW JERSEY

AN ORDINANCE AMENDING CHAPTER 62A "CANNABIS" OF THE CODE OF THE TOWN OF SECAUCUS

WHEREAS, the Town of Secaucus has established regulations related to cannabis in the Town; and

WHEREAS, the Mayor and Council have determined an amendment to Chapter 62A is necessary to properly regulate cannabis in the Town of Secaucus, consolidating the cannabis regulations currently found in Chapter 62A and Chapter 135, Section 135-6 into one chapter,

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus in the County of Hudson, State of New Jersey, as follows:

1. Chapter 62A of the Town of Secaucus, Article I, Administrative Regulations, is hereby replaced as follows:

Section 62A-1. Title

This Chapter shall be known as Cannabis.

Section 62A-2. Definitions

ADULT USE CANNABIS: The acquisition, possession, transport or use of cannabis or cannabis items by a person 21 years of age or older and does not include resale to other persons or entities, as authorized by N.J.S.A. 24:6I-31 et seq. and N.J.A.C. 17:30-1.1 et seq.

CANNABIS: All parts of the plant genus "cannabis", whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, preparation of the plant or its seeds, except those containing resin extracted from the plant, but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. "Cannabis" shall not mean 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 seq.

CANNABIS ESTABLISHMENTS: Cannabis establishments, including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, a cannabis delivery service, except for the delivery of cannabis items and related supplies by a delivery service, as those items are defined in N.J.S.A. 24:6I-33 and a medical cannabis alternative treatment center, medical cannabis cultivator, medical cannabis dispensary, and medical cannabis manufacturer, as defined in N.J.S.A. 24:6I-3, are hereby prohibited, except as otherwise specifically permitted herein. The number of cannabis establishments shall be limited to two within the Town of Secaucus at any point in time.

DESIGNATED CAREGIVER: A resident of the state who:

A. Is at least 18 years old;

B. Has agreed to assist with a registered qualifying patient's medical use of cannabis, is not currently serving as designated caregiver for more than one other qualifying patient, and is not the qualifying patient's health care practitioner;

C. Subject to the provisions of N.J.S.A. 24:6I-4c(2), has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date of N.J.S.A. 24:6I-1 et seq. and was for a violation of federal law related to possession or sale of cannabis that is authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22 et seq.;

D. Has registered with the Cannabis Regulatory Commission ("Commission") pursuant to Section 4 of N.J.S.A. 24:6I-4, and, except in the case of a designated caregiver who is an immediate family member of the patient, has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and

E. Has been identified as designated caregiver by the patient when registering or renewing a registration with the Commission or in other written notification to the Commission.

DISPENSE: The furnishing of adult use cannabis or medical cannabis to a registered qualifying patient, designated caregiver, or institutional caregiver by a medical cannabis dispensary or clinical registrant pursuant to written instructions issued by a health care practitioner pursuant to the requirements of N.J.S.A 24:6I-1 et seq. The term shall include the act of furnishing medical cannabis to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver, consistent with the requirements of N.J.S.A. 24:6I-20.

INSTITUTIONAL CAREGIVER: A resident of the state who:

A. Is at least 18 years old;

B. Is an employee of a health care facility;

C. Is authorized, within the scope of the individual's professional duties, to possess and administer controlled dangerous substances in connection with the care and treatment of patients and residents pursuant to applicable state and federal laws;

D. Is authorized by the health care facility employing the person to assist registered qualifying patients who are patients or residents of the facility with the medical use of cannabis, including, but not limited to, obtaining medical cannabis for registered qualifying patients and assisting registered qualifying patients with the administration of medical cannabis;

E. Subject to the provisions of N.J.S.A. 24:6I-4c(2), has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date of N.J.S.A. 24:6I-1 et seq. and was for a violation of federal law related to possession or sale of cannabis that is authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22 et seq.; and

F. Has registered with the Commission pursuant to N.J.S.A. 24:6I-4.

MEDICAL USE OF CANNABIS: The acquisition, possession, transport, or use of cannabis or paraphernalia by a registered qualifying patient as authorized by N.J.S.A. 24:6I-1 et seq. and N.J.S.A. 18A:40-12.22 et seq.

QUALIFYING PATIENT OR PATIENT: A resident of the state who has been authorized for the medical use of cannabis by a health care practitioner.

REGISTRATION WITH THE COMMISSION: A person has met the qualification requirements for, and has been registered by the Commission as, a registered qualifying patient, designated caregiver, or institutional caregiver. The Commission shall establish appropriate means for health care practitioners, health care facilities, medical cannabis dispensaries, law enforcement, schools, facilities providing behavioral health services or services for persons with developmental disabilities, and other appropriate entities to verify an individual's status as a registrant with the Commission.

Section 62A-3. Regulations

The following regulations shall apply to all cannabis establishments:

(a) Location. Cannabis establishments shall only be permitted within the following lot and blocks: Block 10, Lots 1, 2, and 4.01; Block 9, Lots 5, 6.03, and 7; Block 19, Lots 3, 4, 5, 6.01 and 8; Block 117, Lots 2 and 3; Block 118, Lots 2, 3, 4, and 5; and Block 21, Lot 2.02. No cannabis establishment shall be permitted unless the establishment is more than 1,000 feet away from a public or private educational institution (including elementary, high school and/or college level), day care center, public library, house of worship, or any recovery and/or drug treatment facility;

(b) Hours of Operation. No cannabis retailer shall operate after 10:00 pm nor prior to 9:00 am on any day of the week except for Saturday when the hours of operation may be expanded to 11:00 pm in the Town of Secaucus.

(c) Outdoor Cultivation Prohibited. The cultivation of cannabis shall only be permitted within a fully enclosed building. There shall be no outdoor cultivation of cannabis permitted within the Town of Secaucus;

(d) On-Site Consumption Prohibited. No cannabis or cannabis product shall be smoked, eaten or otherwise consumed on the premises of any cannabis establishment within the Town of Secaucus;

(e) Control of Odors. Any facility for the cultivation or manufacture of cannabis products shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights-of-ways, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of the building;

(f) Noise Control. Any facility for cannabis cultivation, processing, manufacturing or similar operation shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading, and other noise generating equipment or machinery. All licensed cannabis establishments must operate within applicable State decibel limitations.

(g) Security.

1) To the extent not already required by State law, all cannabis establishments must be equipped with security cameras covering all exterior parking and loading areas, points of entry, interior spaces which are either open to the public or used for storage or processing of cannabis products and points of payment. Security footage must be maintained for the period of time required under State law or for a period of six months, whichever is greater. Access to security camera footage shall be provided to the Secaucus Police Department upon request by the Department.

2) To the extent not already required by State law, all cannabis establishments must provide at least one security guard during all times when the facility is open or operating. At a minimum, the security guard shall be a State Certified security officer whose certification is in good standing.

3) Any applicant for a cannabis establishment shall coordinate with the Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, surveillance systems, and site lighting consistent with the requirements of State law.

(h) Age Restriction. No person under the age of 21 years shall be permitted within any cannabis establishment, unless that person is an institutional caregiver or designated caregiver as defined in this Chapter. Any person seeking entry into a cannabis establishment shall be required to present proof of age to a security guard before gaining entry or access.

(i) Lighting. The exterior and parking area of a cannabis establishment shall comply with the lighting requirements in accordance with any applicable ordinance or regulation promulgated by the Town of Secaucus and the New Jersey Sports & Exposition Authority.

(j) A cannabis establishment shall meet all of the requirements for licensure by the New Jersey Cannabis Regulatory Commission and/or the New Jersey Department of Health and/or other State agency.

(k) Local Cannabis Control Board. At the discretion of the Mayor and Council, the Town of Secaucus may create a Cannabis Control Board which shall consist of three (3) persons, who shall be appointed by the Mayor, with the advice and consent of the Council, for a term of three years, but one of the initial appointments shall be for one year, another for two years, and the third for three years. The Cannabis Control Board shall be responsible for reviewing and approving, when appropriate, applications for the operation of cannabis establishments. In the event the Mayor and Council decide not to create a Cannabis Control Board, applications for the operation of cannabis establishments shall be heard by the Mayor and Council.

Section 62A-4. Local Transfer and User Tax.

(a) As authorized by N.J.S.A. 24:6I-10(i), there is hereby imposed a 2% transfer tax on medical use cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a purchaser or to a registered qualifying patient or the patient's caregiver.

(b) As authorized by N.J.S.A. 40:48I-1, there is hereby established a local transfer tax imposed on the sale of adult use cannabis or cannabis items by a cannabis establishment located in the Town of Secaucus on receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to a retail customer 21 years of age or older; or any combination thereof at a rate of two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer and an equivalent user tax on non-sale transactions between cannabis businesses operated by the same license holder, payable to the Town of Secaucus.

(c) Every cannabis establishment required to collect a transfer tax or user tax imposed by this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief financial officer of the Town of Secaucus shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

(d) All revenues collected from a transfer tax or user tax imposed by ordinance shall be remitted to the chief financial officer in a manner prescribed by the Town of Secaucus. The chief financial officer shall collect and administer any transfer tax or user tax imposed by ordinance. The municipality shall enforce the payment of delinquent taxes or transfer fees imposed by ordinance in the same manner as provided for municipal real property taxes.

(e) In the event that the transfer tax or user tax imposed by ordinance is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.

(f) The municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

(g) The chief financial officer is charged with the administration and enforcement of the local transfer tax provisions of this ordinance, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this ordinance, including provisions for the reexamination and correction of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this ordinance. Should a cannabis establishment fail or refuse to provide adequate information to the chief financial officer to determine the amount of tax due, the chief financial officer may use information provided to the chief financial officer from other sources (for example, the New Jersey Cannabis Regulatory Commission or the Department of Treasury) to determine the tax liability.

(h) Taxpayers liable for the transfer tax are required to keep such records as will enable the filing of true and accurate returns for the tax and such records shall be preserved for a period of not less than three (3) years from the filing date or due date, whichever is later, in order to enable the chief financial officer or any agent designated by him or her to verify the correctness of the declarations or returns filed. If records are not available in the municipality to support the returns which were filed or which should have been filed, the taxpayer will be required to make them available to the chief financial officer either by producing them at a location in the municipality or by paying for the expenses incurred by the chief financial officer or his/her agent to travel to the location where the records are regularly kept.

(i) All cannabis establishments operating in the municipality are required to file a copy of their New Jersey transfer tax return with the chief financial officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this ordinance. Returns shall be filed and payments of tax imposed for the proceeding calendar quarter shall be made on or before the last day of April, July, October and January, respectively. A taxpayer who overpaid the transfer tax, or which believes it is not liable for the tax, may file a written request on an amended tax return with the chief financial officer for a refund or a credit of the tax. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for a refund shall be filed with the chief financial officer within two (2) years of the date of the payment.

(j) The chief financial officer may initiate an audit by means of an audit notice. If, as a result of an examination conducted by the chief financial officer, a return has not been filed by a taxpayer or a return is found to be incorrect and transfer taxes are owed, the chief financial officer is authorized to assess and collect any tax due. If no return has been filed and tax is found to be due, the tax actually due may be assessed and collected with or without the formality of obtaining a return from the taxpayer. Deficiency assessments (i.e., where a taxpayer has filed a return but is found to owe additional tax) shall include taxes for up to three (3) years to the date when the deficiency is assessed. Where no return was filed, there shall be no limit to the period of assessment.

(k) Upon proposing an assessment, the chief financial officer shall send the taxpayer an interim notice by certified mail, return receipt requested, which advises the taxpayer of additional taxes that are due. Should the taxpayer determine to dispute the assessment administratively by requesting a hearing with the chief financial officer, it must do so within thirty (30) days of the date of such interim notice. If, after the chief financial officer sends an interim notice, a taxpayer fails to timely request a hearing with the chief financial officer or requests a hearing and after conducting a hearing, the chief financial officer determines that taxes are due, the chief financial officer shall send the taxpayer by certified mail, return receipt requested, a final notice. Should the taxpayer determine to dispute the assessment set forth in the final notice, it must initiate an appeal in the New Jersey Tax Court within ninety (90) days after the mailing of any final notice regarding a decision, order, finding, assessment, or action hereunder.

(l) Any person or entity that receives an interim notice from the chief financial officer may within thirty (30) days after the date of an interim notice, may request a hearing with the chief financial officer. Any person or entity that fails to request a hearing with the chief financial officer in a timely manner waives the right to administratively contest any element of the assessment. The chief financial officer shall accept payments of disputed tax amounts under protest pending appeals; however, any request for refund of such monies must be filed in accordance with this ordinance.

(m) Any aggrieved taxpayer may, within ninety (90) days after the mailing of any final notice regarding a decision, order, finding, assessment or action hereunder, or publication of any rule, regulation or policy of the chief financial officer, appeal to the Tax Court pursuant to the jurisdiction granted by N.J.S.A. 2B:13-2(a)(3) to review actions or regulations of municipal officials by filing a complaint in accordance with New Jersey Court Rules. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a final decision of the chief financial officer with respect to a determination of liability for the tax imposed by this ordinance.

(n) No person required to collect any tax hereunder shall advertise or hold out to any person or to the public in general in any manner, directly or indirectly, that the tax is not considered as an element in the fee payable by the customer, that he will pay the tax, that the tax will not be separately charged and stated to the customer or that the tax will be refunded to the customer.

(o) If for any reason the tax imposed by this article is not paid when due, interest at a rate of 12% per annum on the amount of the tax due and an additional penalty of 0.5% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected or a minimum of $50, whichever is greater. Where action is brought for the recovery of any tax hereunder, the person liable shall, in addition, be liable for the cost of collection and the interest and penalties imposed.

(p) The cannabis transfer tax shall be in addition to any other fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.

Section 62A-5. Annual License

In addition to any license issued by the State of New Jersey, cannabis establishments within the Town of Secaucus shall be required to obtain from the Health Department an annual license evidencing compliance with the requirements of this ordinance (the "Cannabis Establishment License"). The Cannabis Establishment License shall be for a one-year period commencing July 1 of the year in which it is issued and expiring June 30 of the following year. In the event of any violation of this ordinance, the Health Department may, upon notice to and a hearing provided to the licensee, revoke the license. The annual fee for a Cannabis Establishment License is $2,500.00.

Section 62A-6. Civil Penalty

In accordance with N.J.S.A. 24:6I-45, any person or cannabis establishment violating any provision of this chapter shall be subject to a civil penalty not to exceed the sum of $1,000.00 per violation in accordance with the provisions of the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq. Any action to collect such penalty shall be brought in the Municipal Court of the Town of Secaucus, and any penalty assessed shall be payable to the Town of Secaucus.

2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this article are hereby repealed as to said inconsistencies or conflicts.

3. Severability. If any provision or portion of a provision of this article is held to be unconstitutional, preempted by federal or state law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the article and chapter shall not be invalidated. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid

and effective.

4. Effective Date. This Ordinance shall take effect in accordance with law.

IT IS FURTHER ORDAINED that the remainder of the Code of the Town of Secaucus shall remain in full force and effect.

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of an ordinance introduced and passed on first reading on February 24, 2026 and finally adopted by the Mayor and Council on March 24, 2026.

Michael Marra

Town Clerk   Mayor

Introduction 2-24-26

Motion: RC	Yes	No	Abstain	Absent
Second: JG				
Councilman Costantino	✓			
Councilman McKeever		✓		
Councilman Clancy		✓		
Councilman Dehnert	✓			
Councilman Gerbasio	✓			
Councilwoman Tringali		✓		
Mayor Gonnelli	✓			

Adoption 3-24-26

Motion: MD	Yes	No	Abstain	Absent
Second: JG				
Councilman Costantino	✓			
Councilman McKeever	✓			
Councilman Clancy		✓		
Councilman Dehnert	✓			
Councilman Gerbasio	✓			
Councilwoman Tringali		✓		
Mayor Gonnelli	✓			