

ORDINANCE #2021-09
AN ORDINANCE BY THE BOROUGH OF ALLENHURST PROHIBITING THE
OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS
GEOGRAPHICAL BOUNDARIES

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

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, 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, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, the Board of Commissioners of the Borough of Allenhurst has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on Allenhurst, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Allenhurst's residents and members of the public who visit, travel, or conduct business in Allenhurst, to amend Allenhurst's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Allenhurst; and

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, State of New Jersey, as follows:

1. Section 26-4.1(h) of the Borough Code of the Borough of Allenhurst be and is hereby amended by deleting the current section and replacing it with the following:

h. The Borough has determined, pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), that all six (6) classes of cannabis establishments, cannabis distributors, and cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, shall be prohibited uses in the Borough of Allenhurst.

1. Henceforth, any and all cannabis establishments, cannabis distributors, cannabis sales, cannabis paraphernalia sales, cannabis cultivators or cannabis delivery services are hereby prohibited from operating anywhere in Borough of Allenhurst.

2. Nothing herein shall affect a licensed medical marijuana facility operating pursuant to the New Jersey" Compassionate Use Medical Cannabis Act," N.J.S.A. 24:6I-1 et seq.

3. Any article, section, paragraph, subsection, clause, or other provision of the Borough Code of the Borough of Allenhurst inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency. All other provisions of the Borough Code of the Borough of Allenhurst are ratified and remain in full force and effect.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply

only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective, and to this end, the provisions of this Ordinance are declared to be severable.

5. A copy of this Ordinance, upon introduction, shall be provided to all appropriate Borough agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

6. This Ordinance shall take effect immediately upon its passage and adoption according to law.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

APPROVED: April 13, 2021

ADOPTED:

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of an Ordinance adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on April 27, 2021.

Donna M. Campagna

Donna M. Campagna
Borough Clerk/Administrator