



# *Township of Pequannock*

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## *Memorandum*

TO: Chairman Angelo Caputo & Members of the Planning Board

FROM: Carol Marsh, Township Clerk

COPY: Linda Zacharenko, Planning Secretary

RE: ***Ordinance No. 2021-06, AN ORDINANCE TO AMEND CHAPTER 189 "ZONING," SECTION 7 "SUPPLEMENTAL REGULATIONS," SUBSECTION 040 "REGULATIONS PERTAINING TO ALL DISTRICTS" OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK TO INCLUDE A NEW PARAGRAPH "M" TO PROHIBIT CANNABIS ESTABLISHMENTS AS USES WITHIN THE TOWNSHIP.***

DATE: April 16, 2021

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Please see the attached copy of Ordinance No. 2021-06 for the Planning Board's review.

It is requested the Board submit a report on their review for inclusion into the record as part of the public hearing scheduled for May 11, 2021 at which time the ordinance will be considered for adoption by the Township Council.

**TOWNSHIP OF PEQUANNOCK**

PLEASE TAKE NOTICE the following ordinance was introduced and passed on first reading at the **April 13, 2021** meeting of the Township Council and will be considered for second reading and final passage during the meeting scheduled to begin at **7:00 p.m.** on **May 11, 2021** in the Municipal Building, located at 530 Newark Pompton Turnpike, Pompton Plains, at which time and place any person desiring to comment on this ordinance will be given the opportunity to be heard.

Carol J. Marsh, Township Clerk

**ORDINANCE NO. 2021-06**

**AN ORDINANCE TO AMEND CHAPTER 189 "ZONING," SECTION 7 "SUPPLEMENTAL REGULATIONS," SUBSECTION 040 "REGULATIONS PERTAINING TO ALL DISTRICTS" OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK TO INCLUDE A NEW PARAGRAPH "M" TO PROHIBIT CANNABIS ESTABLISHMENTS AS USES WITHIN THE TOWNSHIP.**

**WHEREAS**, the Legislature of the State of New Jersey recently enacted P.L.2021, c.16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (hereinafter referred to as "Act"); and

**WHEREAS**, Section 31 of the Act authorizes a municipality to prohibit the operations of any one or more classes of cannabis establishments that may operate within the municipality subsequent to the adoption of the Act; and

**WHEREAS**, the Township Council of the Township of Pequannock believes it is appropriate to prohibit the operations of cannabis establishments within its jurisdiction;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Pequannock, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** Chapter 189, Zoning, Section 7, Supplemental Regulations, Subsection 040, Regulations pertaining to all districts, is hereby amended to include a new paragraph "M" to read in its entirety as follows:

**"§ 189.07.040**

M. Cannabis establishments prohibited. The operation of all classes of cannabis establishments as defined by P.L.2021, c. 16, including but not limited to, cannabis retailers, cultivators, manufactures, distributors, wholesalers, testing facilities, delivery services, medical cannabis dispensaries, alternative cannabis treatment centers, including such operators holding a medical cannabis dispensary permit pursuant to P.L.2009, c.307 (C. 24:61-7), are expressly prohibited uses within the jurisdictional boundaries of the Township of Pequannock."

**SECTION 2.** This Ordinance may be renumbered for codification purposes.

**SECTION 3.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION 4.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION 5.** This Ordinance shall take effect upon passage as required by law.