

BOROUGH OF DEAL

ORDINANCE NO. 1177

AN ORDINANCE AMENDING CHAPTER XXX DEVELOPMENT REGULATIONS OF THE BOROUGH OF DEAL IN THE COUNTY OF MONMOUTH, NEW JERSEY TO PROHIBIT SALE OF MARIJUANA AND MARIJUANA PARAPHERNALIA FOR RECREATIONAL PURPOSES ANYWHERE IN THE BOROUGH

WHEREAS, the State of New Jersey has prohibited the manufacture, distribution, and possession of marijuana due to its negative societal consequences and deleterious health effects; and

WHEREAS, the State is considering legalizing marijuana and allowing the distribution and consumption of same within the limits of New Jersey; and

WHEREAS, the Board of Commissioners of the Borough of Deal has determined that the businesses of selling, manufacturing or growing marijuana, will have significant consequences to the quality of life, as well as the health, security, safety, location, and welfare of Borough residents; and

WHEREAS, there is no area of the Borough which can safely house a business selling, manufacturing or growing marijuana and/ or the paraphernalia that facilitates the use of such marijuana; and

WHEREAS, the Board of Commissioners of the Borough of Deal has determined that it is in the best interests of the Borough to revise certain portions of its existing Borough Code to prohibit the sale, manufacturing, and growing of marijuana and/or marijuana paraphernalia that facilitates the use of such marijuana;

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

Section 1. Chapter XXX, of the Ordinances of the Borough of Deal are hereby amended by the following:

30-86.5 Additional Regulations Concerning Residential Districts

- e. Manufacture, grow, cultivate, or conduct any farming activities related to marijuana and the sale of marijuana and/ or the paraphernalia that facilitates the use of such marijuana is prohibited.

30-87.5 Additional Regulations Covering the Commercial Districts

- f. Manufacture, grow, cultivate, or conduct any farming activities related to marijuana and the sale of marijuana and/ or the paraphernalia that facilitates the use of such marijuana is prohibited.

Section 2. The Borough Administrator /Clerk is directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required).

Upon the adoption of this Ordinance after public hearing thereon, the Borough Administrator/Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Introduced by Commissioner Simhon on October 10, 2018

Seconded by Mayor Cohen

Roll Call: Ayes 2; Cohen & Simhon

Absent 1; Ades

Motion to Adopt by Commissioner Ades on November 9, 2018

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon