

ORDINANCE NO. 07-2021

AN ORDINANCE AMENDING CHAPTER 215- ENTITLED ZONING ORDINANCE, ARTICLE XXVI – PROHIBITED USES - OF THE CODE OF THE BOROUGH OF HAMBURG COUNTY OF SUSSEX, STATE OF NEW JERSEY PROHIBITING CANNABIS CULTIVATION, PRODUCTION, MANUFACTURE AND SALE.

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 Mayor and Council has determined that the sale, manufacture and/or distribution of cannabis within the municipality would be detrimental to the public health, welfare and safety.

BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg, County of Sussex, State of New Jersey, as follows:

That Article XXVI – Prohibited Uses- of Chapter 215- Zoning Ordinance - of the Code of the Borough of Hamburg is hereby amended to add the following prohibited uses:

215 – 152. **Cannabis:**

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, manufacturers, 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 Borough of Hamburg.

Section 2. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Sussex County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

Section 3. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Hamburg Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the

Municipal Council, within thirty-five (35) days after referral, a report including identification of any provisions of the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the said Board deems appropriate.

Section 4. If any section, paragraph, subsection, clause or provision of this Ordinance is adjudged invalid by a Court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. The remaining portion of Chapter XL, AZoning Regulations@ shall remain in full force and effect except as modified hereunder. All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent to such inconsistency.

Section 6. This Ordinance shall take effect immediately upon (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted ordinance with the Clerk of the Sussex County Planning Board pursuant to N.J.S.A. 40:55D-16.

STATEMENT

TAKE NOTICE that the above titled ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Borough of Hamburg in the County of Sussex, held on May 3, 2021; and considered for final adoption at the regular meeting of the Mayor and Council held on June 07, 2021 and postponed for final adoption and public hearing to July 7, 2021 at 7 pm at the Municipal Building, 16 Wallkill Avenue, Hamburg, New Jersey 07419. Copies of this Ordinance are on file in the office of the Borough Clerk at the aforesaid address and can be obtained during regular business hours.



Doreen Schott, Municipal Clerk