

## ORDINANCE #986

### AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ZONING" BY CREATING A SECTION PROHIBITING BUSINESSES ENGAGED IN THE GROWTH OR SALE OF MEDICINAL AND RECREATIONAL MARIJUANA OR PARAPHENALIA IN ANY ZONING DISTRICT

**WHEREAS**, the Borough of Oceanport (the "Borough") has a comprehensive Master Plan and Development Ordinances implementing that Master Plan; and

**WHEREAS**, the Borough Council of the Borough of Oceanport is greatly concerned about the establishment of businesses engaged in the growth or sale of medicinal and recreational marijuana in the Borough as the same presents special concern for security and location; and

WHEREAS, the Borough of Oceanport consists of 3.2 square miles and more than 5,800 residents with residences, schools, churches and recreational facilities located throughout the entire community; and

WHEREAS, the Borough Council is concerned about the establishment of any business engaged in the sale or distribution of medicinal or recreational marijuana in or near any of these uses and wishes to ensure that no such use is established within  $\frac{1}{4}$  mile of such use or zoning district permitting the same; and

WHEREAS, the Borough Council has determined that there is no area in the Borough that can safely house a business engaged in the growth, sale or distribution of medicinal or recreational marijuana;

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, that:

Section 1. Chapter 390, Zoning, is hereby amended by creating a section prohibiting the establishment of any business growing or selling medicinal or recreational marijuana or paraphernalia that facilitates the use of marijuana, with the same to read as follows:

Businesses engaged in the growth or sale of medicinal or recreational marijuana or paraphernalia that facilitates the use of marijuana shall be prohibited in all Zoning Districts including R-1 which encompasses the parcel(s) known as the former Fort Monmouth property.

Section 2. If any section, subsection or part of this ordinance is adjudged by a Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not impair or invalidate the remainder of this ordinance.

Section 3. The remaining portion of Chapter 390, Zoning, shall remain in full force and effect except as modified hereunder. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency.

Section 4. That all other Ordinance or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 5. The Monmouth County Planning Board shall be provided notice of this proposed ordinance in accordance with N.J.S.A. 40:27-6.10.

Section 6. That this Ordinance shall take effect upon final adoption and publication in accordance with the law and filing with the Monmouth County Planning Board.

**Introduced:** March 15, 2018

**Approved:** March 15, 2018

**Adopted:**