

ORDINANCE NO. 2207-18

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF HAWTHORNE SO AS TO AMEND CHAPTER 540, ZONING, BY CREATING SECTION 540-8 (Y), PROHIBITING BUSINESSES ENGAGED IN THE SALE OF MEDICINAL AND RECREATIONAL MARIJUANA OR PARAPHENALIA IN ANY ZONING DISTRICT

WHEREAS, the Legislature of the State of New Jersey is considering legislation that would allow for the distribution and consumption of marijuana in the State of New Jersey; and

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

WHEREAS, the Borough of Hawthorne consists of 3.2 square miles and over 18,000 residents with residences, schools, churches, recreational facilities and family oriented businesses located throughout the entire community; and

WHEREAS, the Municipal 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 ¼ mile of such use or zoning district permitting the same; and

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

NOW THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of Hawthorne, in the County of Passaic and State of New Jersey, that:

Section 1. Chapter 540, Zoning, Section 540-8, General Regulations, is hereby amended by creating Section 540-8 (Y), prohibiting the establishment of any business selling medicinal or recreational marijuana or paraphernalia that facilitates the use of marijuana, with the same to read as follows:

Y. Businesses engaged in the sale of medicinal or recreational marijuana or paraphernalia that facilitates the use of marijuana shall be prohibited in all Zoning Districts.

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 540, 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. This Ordinance shall take effect upon final adoption and publication as provided by law.

Frank E. Matthews, Council President

Attest:

Lori DiBella, RMC, Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on February 7, 2018. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on March 28, 2018 at 7:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be posted on the Borough website, www.hawthornenj.org, and made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori DiBella, RMC, Borough Clerk

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON MARCH 28, 2018.

ATTEST:

Frank E. Matthews, Council President

Lori DiBella, RMC, Borough Clerk

APPROVED: _____
Richard S. Goldberg, Mayor