

## ORDINANCE NO. 2021-06

### AN ORDINANCE OF THE BOROUGH OF KENILWORTH PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE EXISTING CHAPTER 120 "LAND USE", ARTICLE 30 "CONDITIONAL USE", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

**Purpose:** The purpose of this Ordinance is to amend Chapter 120 Land Use , Article 30 Conditional Use to include Cannabis Regulatory and Enforcement Assistance whereby the Borough is prohibiting the operation of a business selling marijuana, cannabis, hashish and/or the paraphernalia that facilitates the use of same.

**WHEREAS,** on February 22, 2021, Governor Murphy enacted into law bills commonly referred to as the "marijuana legislation", and

**WHEREAS,** the new legislation provides in pertinent part, that a municipality may adopt a new ordinance within 180 days of enactment of the aforementioned law; and

**WHEREAS,** the Mayor and Borough Council concludes that it is in the best interests of the Borough of Kenilworth not to permit in any zone the operation of a business selling marijuana, cannabis, hashish and/or the paraphernalia that facilitates the use of same.

**NOW THEREFORE**, by the Mayor and Council of the Borough of Kenilworth as follows:

1. Existing Chapter 120 "Land Use", Article 30 "Conditional Uses" be amended to include the following **§ 120-30.10** Cannabis Regulatory, Enforcement Assistance, and Marketplace.
2. The foregoing recitals are incorporated herein as if set forth at length.
3. Prohibited Uses and Structures in All Zones, is hereby amended to read as follows:  
The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.
4. All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.
5. If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.
6. This ordinance shall take effect in the time and manner prescribed by law.

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Linda Karlovitch, Mayor

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| INTRODUCTION                    |      |     |  |      |    | COUNCILPERSON      | FINAL ADOPTION |      |     |     |      |    |
|---------------------------------|------|-----|--|------|----|--------------------|----------------|------|-----|-----|------|----|
| Moved                           | Sec. | Aye | Nay  | Abs. | NP |                    | Moved          | Sec. | Aye | Nay | Abs. | NP |
|                                 |      | X   |  |      |    | KAY CECERI         |                |      | X   |     |      |    |
| X                               |      | X   |  |      |    | MARK DAVID         |                | X    | X   |     |      |    |
|                                 |      | X   |  |      |    | JOSEPH FINISTRELLA |                |      | X   |     |      |    |
|                                 |      | X   |  |      |    | GERRY LAUDATI      |                |      | X   |     |      |    |
|                                 | X    | X   |  |      |    | SCOTT PENTZ        |                |      | X   |     |      |    |
|                                 |      | X   |  |      |    | FRED PUGLIESE      | X              |      | X   |     |      |    |
|                                 |      |     |  |      |    | MAYOR KARLOVITCH   |                |      |     |     |      |    |
| Introduced:<br>April 28, 2021   |      |     | I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date. |      |    |                    |                |      |     |     |      |    |
| Final Adoption:<br>June 9, 2021 |      |     | <hr/> Laura Reinertsen, Borough Clerk  |      |    |                    |                |      |     |     |      |    |