

BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY

ORDINANCE # 1092-21

AMENDING CHAPTER 175-ZONING SO AS TO:

PROHIBIT THE CULTIVATION, MANUFACTURE, WHOLESALE, RETAIL, DISTRIBUTION OR DELIVER OF CANNABIS AND CANNABIS RELATED PRODUCTS IN ALL ZONES OF DEMAREST

WHEREAS, on February 22, 2021, Governor Philip D. Murphy signed the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (hereinafter, 'the Act') decriminalizing the possession and use of cannabis and cannabis products in the State of New Jersey; and

WHEREAS, Section 175-1, et seq. establishes Zoning Regulations in and for the Borough; and

WHEREAS, the Council of the Borough of Demarest, after consultation with its Borough Attorney and Municipal Planner, and review of the new statutory scheme, has determined that the Borough of Demarest is not a suitable location for cannabis sales and distribution by virtue of its location, limited commercial area and related infrastructure and transportation routes, has determined to 'opt out' of approving cannabis sales within the Borough as provided for in the Act.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Demarest, County of Bergen and State of New Jersey, that the following amendments be made to the Municipal Code of the Borough of Demarest:

Section 1. Amendment of Zoning Ordinance section 175-1 of the Borough Code.

- i) The cultivation, manufacture, warehousing, distribution and sale of marijuana and/or the paraphernalia that facilitates the use of such marijuana, whether for medicinal purposes or recreational use, is prohibited in all Zones established in the Borough.
 - a. Definition: Marijuana (Cannabis) - All parts of the plant Cannabis sativa, Linneaus, Cannabis indica or Cannabis ruderalis, whether growing or not; the seeds thereof, the resin, whether crude or purified, acted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separate resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture salt derivative mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. For purposes of this Chapter, Cannabis does not mean Industrial Hemp.

This section shall not be deemed to regulate the delivery of cannabis and cannabis products offered for sale and delivery from outside of the Borough to residential locations.

Section 2. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy with respect to which said judgment shall have been rendered, and all other provisions of this Ordinance shall remain in full force and effect.

Section 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law, and its provisions shall apply to all building permits applied for on or after the date of adoption and publication hereof as prescribed by law.

BOROUGH OF DEMAREST

By: 
MELINDA J. IANNUZZI, Mayor

ATTEST:


Susan Crosman, RMC, Borough Clerk

Introduced: May 24, 2021

Adopted: June 28, 2021