

BOROUGH OF CRESSKILL
ORDINANCE NO. 18-17-1529

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
THE BOROUGH OF CRESSKILL, CHAPTER §275 et seq.**

WHEREAS, the State is considering legalizing marijuana, allowing for the distribution and consumption of same within the limits of New Jersey; and

WHEREAS, the Borough, for security purposes and in an attempt to provide a safe environment for all citizens, is concerned about the legalization of marijuana and wishes to ban the sale or distribution of same within the Borough's limits.

WHEREAS, the Council of the Borough of Cresskill has determined that the distribution of Marijuana presents special concerns of safety and general nuisances that arise as the result of the use of drugs and substances that can affect the youth of the Borough; and

WHEREAS, the Borough's Master Plan and current Zoning Ordinances confirm that there are no areas where the sale and/or distribution of recreational and/or health related marijuana can be safely established given the Borough's concern, for the Health, Safety and Welfare of its Residents and Visitors.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Cresskill, County of Bergen, State of New Jersey, as follows:

NEW AMENDMENTS:

SECTION 1. The Zoning Ordinance of the Borough of Cresskill, entitled "Zoning" is hereby amended so as to create §275-8 (F) entitled "Prohibited Uses," which shall read as follows:

§275-8 (F) Prohibited Uses

(F) The sale of marijuana and paraphernalia associated with all marijuana use is hereby prohibited within the Borough of Cresskill.

SECTION 2.

The Zoning Ordinance of the Borough of Cresskill entitled "Zoning" is hereby Amended so as to create §275-12 (B) entitled "Prohibited Use" which shall read as follows:

(A) All uses not listed in §275-11 are prohibited.

(B) The sale of marijuana and paraphernalia associated with all marijuana use is hereby prohibited within the Borough of Cresskill.

SECTION 3.

§275-16 entitled “Prohibited Uses” shall read as follows:

- A) All uses not permitted or conditional in §275-15 are prohibited.
- B) The sale of marijuana and paraphernalia associated with all marijuana use is hereby prohibited within the Borough of Cresskill.

SECTION 4.

§275-21 entitled “Prohibited Uses” shall read as follows:

- A) All uses not listed in §275-19 of this Chapter are prohibited.
- B) The sale of marijuana and paraphernalia associated with all marijuana use is hereby prohibited within the Borough of Cresskill.

SECTION 5.

§275-26 entitled “Prohibited Uses” shall read as follows:

- A) All uses not listed in §275-24 are prohibited.
- B) The sale of marijuana and paraphernalia associated with all marijuana use is hereby prohibited within the Borough of Cresskill.

SECTION 6.

§275-31 entitled “Prohibited Uses” shall read as follows:

- A) All uses not listed in §275-29 are prohibited.
- B) The sale of marijuana and paraphernalia associated with all marijuana use is hereby prohibited within the Borough of Cresskill.

SECTION 7.

After introduction of this ordinance, the Borough Clerk shall send a copy of this ordinance to the Cresskill Planning Board for its review and comment. The Borough shall send a copy of this Ordinance upon introduction and adoption to the Bergen County Planning Board and all adjacent Municipalities pursuant to N.J.S.A. 40:55D-16

SECTION 8.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 9.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 10.

This ordinance shall take effect after second reading and publication as required by law.