

ORDINANCE NO. 2018-02-OA^B

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT" SO AS TO CREATE SECTION 35-94 ENTITLED "PROHIBITED USES"

January 1, 2018

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

WHEREAS, the Township, for security purposes, is concerned about the legalization of marijuana and wishes to ban the sale of same within the town limits.

BE IT ORDAINED by the Township Council of the Township of Berkeley, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Chapter XXXV of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended so as to create §35-94, entitled "Prohibited Uses," which shall read as follows:

§35-94 Prohibited Uses

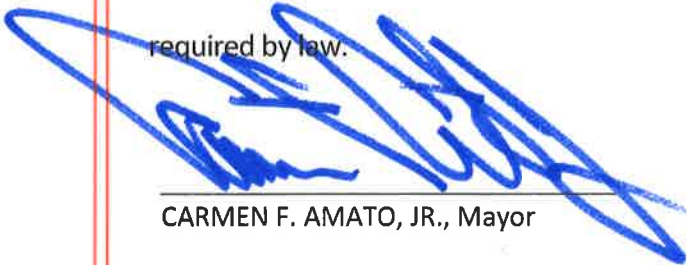
The sale of marijuana and paraphernalia associated with marijuana use is hereby prohibited within the Township of Berkeley.

SECTION 2. After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township shall send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16

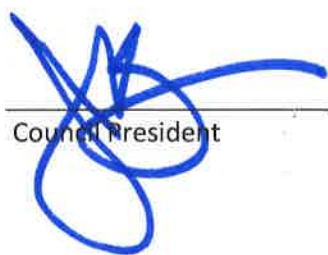
SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. 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 5. This ordinance shall take effect after second reading and publication as required by law.



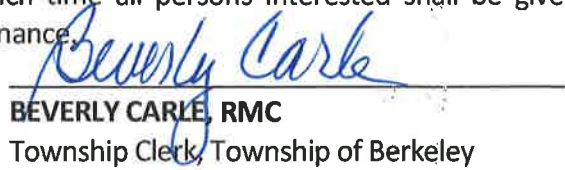
CARMEN F. AMATO, JR., Mayor



Council President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on **January 1, 2018** and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **22nd** day of **January, 2018** at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



BEVERLY CARLE, RMC
Township Clerk, Township of Berkeley