

ORDINANCE NO. 06-2021

**AN ORDINANCE AMENDING CODE OF THE BOROUGH OF FRANKLIN
SECTION 161 TO PROHIBITING CERTAIN CANNABIS ESTABLISHMENTS
AND RELATED ACTIVITIES**

WHEREAS, the Borough seeks to maintain the health, safety and welfare of the citizens and visitors to the Borough and desires to amend the Code of the Borough of Franklin (the “Code”) in accordance with the terms provided for herein; and

WHEREAS, on February 22, 2021, Governor Phil Murphy signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and pursuant to same, the Borough may enact an ordinance prohibiting the operation of any one (1) or more classes of cannabis establishment, or cannabis distributors or cannabis delivery services (but not the delivery of cannabis items and related supplies by a delivery service); and

WHEREAS, due to the desire to ensure uniformity throughout the Borough regarding the prohibited retail sale of cannabis products and related activities in the Borough, the Borough desires to enact the instant legislation; and

WHEREAS, prior to the Borough Council hearing on the adoption of this Ordinance it shall be referred to the Planning Board as required by *N.J.S.A.* 40:55D-64 and *N.J.S.A.* 40:55D-26 of the Municipal Land Use Law; and

WHEREAS, within thirty (30) days of the adoption of this Ordinance the Borough Clerk shall provide notice, pursuant to *N.J.S.A.* 40:55D-15 of the Municipal Land Use Law, by personal service or certified mail to the county planning board which notice shall state the effective date of this Ordinance and include a copy of this Ordinance; and

WHEREAS, the Borough Council has determined to amend Article V, Section 161-27 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

Section 1. The Borough Council hereby amends Article V “Zoning,” Section 161-27 of the Code to read as follows:

161-27 Zoning districts.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

I. The following shall not be permitted in any zoning district in the Borough: the operation of retail cannabis establishments, which includes the selling and reselling of cannabis and cannabis items, or cannabis consumption areas, retail marijuana stores, combined retail and

growing facilities; and the operation of retail cannabis social clubs are prohibited within the Borough of Franklin and, therefore, all activities related to the above are expressly prohibited within the Borough of Franklin. Nothing herein shall be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq.

Section 2. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

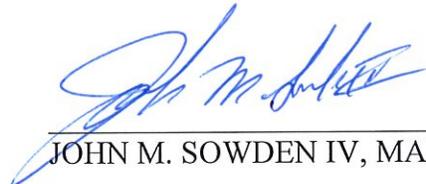
Section 3. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the Sussex County Planning Board, the clerk of any adjoining municipality, and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to public notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 4. This Ordinance shall take effect after twenty (20) days of its final passage by the Borough Council, upon approval by the Mayor and publication as required by law.

ATTEST:

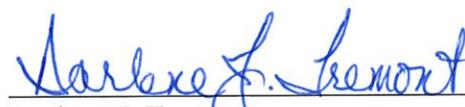
BOROUGH OF FRANKLIN


DARLENE J. TREMONT, CLERK


JOHN M. SOWDEN IV, MAYOR

DATED: June 10, 2021

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on May 11, 2021, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on June 9, 2021, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.


Darlene J. Tremont
Municipal Clerk

CERTIFICATION

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of June, 2021.


 Darlene J. Tremont, Municipal Clerk


 John M. Sowden IV, Mayor

Introduced: May 11, 2021

Adopted: June 10, 2021

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					
JOSEPH LIMON		X				
JOHN POSTAS	X				X	
STEPHEN SKELLENGER	X					X
GILBERT SNYDER COUNCIL PRESIDENT	X					
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					
JOSEPH LIMON				X		
JOHN POSTAS	X				X	
STEPHEN SKELLENGER	X					
GILBERT SNYDER COUNCIL PRESIDENT	X					
STEPHAN ZYDON, JR.	X					X
MAYOR SOWDEN, IV (Tie Only)						

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

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NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 11th day of May, 2021, and the same came up for final passage at a meeting of the said Borough Council on the 10th day of June, 2021, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Darlene J. Tremont, Municipal Clerk