

**ORDINANCE 06-2021**

**AN ORDINANCE OF THE BOROUGH OF AVON BY THE SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, CHAPTER §113-10 et seq. “REGULATIONS APPLYING TO ALL ZONES”**

**WHEREAS, the state legislature has enacted and Governor Murphy has signed “New Jersey Cannabis Regulatory, Enforcement Assistance and Modernization Act (“Act”) on February 22, 2021; and**

**WHEREAS, pursuant to the Act, Municipalities may prohibit the operation of cannabis establishments and cannabis distributors within the jurisdiction of the Municipality; and**

**WHEREAS, the failure of a municipality to enact an ordinance prohibiting the operation of cannabis establishments and cannabis distributors within 180 days after the effective date of the Act shall permit the operation of cannabis establishments and cannabis distributors within the jurisdiction; and**

**WHEREAS, the operation of cannabis establishments and cannabis distributors is contrary to the Borough’s master plan for the land use; and**

**WHEREAS, prohibiting the operation of cannabis establishments and cannabis distributors promotes the public peace and safety and good order of the Borough of Avon of the Sea, and**

**NOW, THEREFORE, BE IT ORDAINED, it is hereby clearly in the public interest to prohibit cannabis establishments and cannabis distributors in all zones through the Borough through Amendment to Chapter 113 Land Development Ordinance as follows:**

**AMENDMENT TO CHAPTER 113 - LAND DEVELOPMENT, ARTICLE IV - DISTRICT ZONING REGULATIONS, §113.10. - REGULATIONS APPLYING TO ALL ZONES**

**Chapter 113, Land Development, Article IV - District Zoning Regulations, §113.10 - Regulations Applying to All Zones is amended as follows:**

**Q. The business of selling medicinal cannabis and/or paraphernalia that facilitates the use of such cannabis is expressly prohibited in all zones in the Borough of Avon-by-the-Sea.**

**U. Pursuant to “New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act,” (“Act”) the growing, cultivating, processing and selling**

**and reselling of cannabis and cannabis items; operating to transport in bulk cannabis items by a cannabis grower, cannabis processor, cannabis wholesaler, or cannabis distributor, and selling and distributing of cannabis items to consumers from a retail store by a cannabis retailer as these terms and activities are defined by the Act and operating a cannabis consumption area are expressly prohibited in all zones in the Borough of Avon-by-the-Sea. This Section applies to all classes of cannabis establishment and cannabis distribution, including Class 1 cannabis grower license; Class 2 cannabis processor license; Class 3 cannabis wholesaler license; Class 4 cannabis distributor license; Class 5 cannabis retailer license; and Class 6 cannabis delivery license.**

**This Ordinance shall be subject to review and recommendation by the Borough Planning Board in accordance with N.J.S.A. 40:55D-26.**

**The County Planning Board shall be provided notice of this proposed Ordinance in accordance with N.J.S.A. 40:27-6.10.**

**This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Monmouth County.**

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**Edward Bonanno, Mayor**

**Attest:  
Thea Kratochvil  
Acting Borough Clerk**

**Introduced: March 8, 2021**

**Adopted: March 22, 2021**