

**ORDINANCE #7-21**

**AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE JURISDICTION OF THE BOROUGH OF KEYPORT UNTIL ADEQUATE REGULATORY GUIDANCE IS PROVIDED BY THE STATE'S CANNABIS REGULATORY COMMISSION AND FURTHER ACTION TAKEN BY THE BOROUGH**

WHEREAS, the Borough of Keyport (the "Borough") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, on November 3, 2020, residents of the Borough widely supported Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy enacted P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of cannabis products by adults at least 21 years of age; and

WHEREAS, the Act establishes six classes of licensed cannabis businesses addressing cultivation, manufacturing, wholesaling, distribution, retail, and delivery services; and

WHEREAS, section 31 of the Act authorizes municipalities to adopt regulations governing cannabis licensees, including the classes and number of licenses permitted, the locations and zoning of the licensed operations, times of operation, and providing certain penalties for violations; and

WHEREAS, section 31 of the Act, however, requires municipal regulations to be adopted by August 21, 2021; and

WHEREAS, should a municipality fail to act by August 21, 2021, it will lose its ability to regulate cannabis business licensees for a period of five years while automatically permitting the growing, cultivating, manufacturing, selling and reselling of cannabis products as permitted uses in all industrial zones, and allow the retail sale of cannabis products as a conditional use in all commercial and retail zones; and

WHEREAS, the Borough's governing body has determined that due to the present uncertainties governing the licensing process at both the state and local level, as well as, the very limited amount of time permitted to establish appropriate zoning regulations for an entirely new class of commercial uses of property with the Borough, it is in the best interest of the health, safety and welfare of the Borough's residents to await the adoption of regulatory guidance from the State's recently established Cannabis Regulatory Commission; and

WHEREAS, the Borough's "opting out" of permitting licensed cannabis businesses at this time in no way affects the legality of recreational cannabis use by adults over the age of 21 within the Borough; and

WHEREAS, the Borough's governing body wishes to establish land use regulations and licensing standards for regulated cannabis businesses within its municipal boundaries upon receipt of adequate regulatory guidance from the State's Cannabis Regulatory Commission, which is anticipated later this year.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport in the County of Monmouth, State of New Jersey, as follows:

SECTION 1. Pursuant to section 31 of P.L. 2021, c. 16, all cannabis license classes established thereunder subject to municipal jurisdiction are hereby prohibited from operating anywhere within the Borough.

SECTION 2. Chapter 25 Zoning of the Code of the Borough of Keyport is hereby amended to add Section 25-1-13.5 as follows:

**§ 25-1-13.5 Cannabis Businesses.**

All classes of cannabis establishments, cannabis distributors, or cannabis delivery services (as said terms are defined in section 3 of P.L. 2021, c. 16) are prohibited uses in all of the Borough's zoning districts, but not the delivery of cannabis items and related supplies by a delivery service.

SECTION 3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Keyport inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

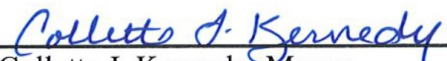
SECTION 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its final passage and publication and as otherwise provided for by law.

Introduced: July 6, 2021  
Public Hearing: August 17, 2021  
Adopted: August 17, 2021



Michele Clark, RMC  
Borough Clerk  
Borough of Keyport



Collette J. Kennedy, Mayor  
Borough of Keyport