

**BOROUGH OF EMERSON  
COUNTY OF BERGEN  
NOTICE OF ADOPTION**

**ORDINANCE NO. 1560-18**

**Introduced:** June 26, 2018  
**Adopted:** August 14, 2018

**NOTICE IS HEREBY GIVEN** that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 14th day of August, 2018. A copy of Ordinance 1560-18 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF EMERSON CHAPTER 290, ARTICLE III SECTION 9,  
ENTITLED "GENERAL USE RESTRICTION".**

**WHEREAS**, the Borough of Emerson, in the County of Bergen and State of New Jersey (the "Borough") has a comprehensive Master Plan and Development Ordinances implementing that Master Plan; and

**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 has determined that businesses selling medicinal and recreational marijuana require special concern for security, and location; and

**WHEREAS**, the Borough desires to ensure that such facilities are not allowed within ¼ mile of a school, church, or playground, or any commercial or any residential zone; and

**WHEREAS**, there is no area of the Borough which can safely house a business selling, manufacturing or growing medicinal and/or recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Emerson as follows:

***Section 1. Amending Section 290-9 – General use restriction.***

Chapter 290, Article III, Section 9, General use restrictions, is hereby amended and supplemented by the addition of the following:

§290-9 General use restriction.

- a. Any use not designated as a principal use, a permitted accessory use or a conditional use is specifically prohibited from any zone in the Borough of Emerson.

- b. Marijuana establishments, prohibition. The operation of medicinal and retail marijuana establishments, which includes retail marijuana and/or marijuana paraphernalia stores, marijuana cultivation facilities, marijuana products manufacturing facilities, and marijuana testing facilities; and the operation of retail marijuana social clubs are prohibited within the Borough of Emerson and, therefore, all activities related to the abovementioned retail uses such as, but not limited to cultivation, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing are expressly prohibited within the Borough of Emerson.

**Section 2. Severability and Repealer.**

- A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- B. All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

**Section 3. Land Use Board Review.**

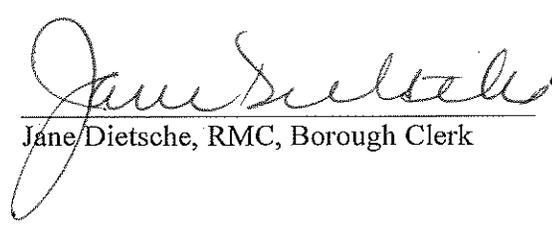
This ordinance shall be subject to review and recommendation by the Borough Land Use Board in accordance with N.J.S.A. 40:55D-26.

**Section 4. Effective Date.**

This ordinance shall take effect immediately upon publication and final passage according to law.

ATTEST:

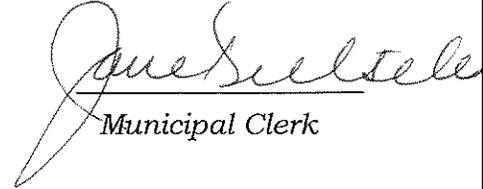
  
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Louis J. Lamatina, Mayor

  
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Jane Dietsche, RMC, Borough Clerk

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S E N T
DiPaola			X			
Bayley					X	
Wolf			X			
Knoller	X		X			
Falotico			X			
Downing		X	X			

*I hereby certify that the above Ordinance was duly adopted by the Borough of Emerson at a meeting held on August 14, 2018.*

Attest:

  
Municipal Clerk