

MANNINGTON TOWNSHIP

ORDINANCE NO. 19-02

**AN ORDINANCE AMENDING
MANNINGTON TOWNSHIP CODE CHAPTER 70
TO PROHIBIT ALL MARIJUANA-RELATED
LAND USE AND DEVELOPMENT
IN ALL ZONING DISTRICTS**

WHEREAS, the Township of Mannington has the authority, under the Municipal Land Use Law, *N.J.S.A.* 40:55D-1, *et seq.*, and under the general police powers set forth in *N.J.S.A.* 40:48-1, *et seq.*, to regulate land use and development within its municipal boundaries; and

WHEREAS, the Mannington Township Committee has considered the possibility of future state and federal legislation, whether currently proposed or otherwise, that might legalize, or permit to a greater extent, the cultivation, production, manufacturing, testing, sale, and use of marijuana in New Jersey; and

WHEREAS, the Mannington Township Committee has determined that, due to present uncertainties regarding the potential future impacts such legislation might have on New Jersey municipalities in general, and on Mannington Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Mannington Township's residents and members of the public who visit, travel, or conduct business in Mannington Township, to amend Mannington Township Code Chapter 70 to prohibit all manner of marijuana-related land use and development in all Mannington Township zoning districts;

NOW THEREFORE, BE IT ORDAINED, by the Township of Mannington, in the County of Salem, State of New Jersey, as follows:

A. The schedule included in Mannington Township Code Chapter 70 entitled "Mannington Township Land Development – Prohibited Uses in All Districts" (also entitled "Land Development 70 Attachment 7" and referenced as "70 Attachment 7:1") is hereby amended to include the following new subsection 11:

11. All marijuana-related land use and development, whether recreational, medical or otherwise, and whether or not licensed or regulated pursuant to other laws, including but not limited to marijuana cultivation, production, manufacturing, testing, sales, and recreational use or consumption, provided that lawful use of marijuana by persons within Mannington Township for medical purposes shall not be prohibited by this subsection.


B. The Mannington Township Clerk is directed to give notice of this Ordinance pursuant to *N.J.S.A.* 40:55D-15 to the Clerks of all municipalities adjoining Mannington Township and to the Salem County Planning Board at least ten (10) days prior to the dated scheduled for hearing on the adoption of this Ordinance.

- C. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.
- D. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.
- E. This Ordinance shall, following adoption and publication in accordance with the laws of the State of New Jersey, take effect immediately upon its filing with the Salem County Planning Board pursuant to *N.J.S.A. 40:55D-16*.


NOTICE

Notice is hereby given that the foregoing proposed Ordinance No. 19-02 was introduced and passed on first reading by the Township Committee of the Township of Mannington, County of Salem, State of New Jersey, at a regular meeting held on January 3, 2019. A second reading and public hearing on the foregoing Ordinance will be conducted by the Township Committee at a regular meeting to be held on February 7, 2019 at 6:30 p.m., in the Mannington Town Hall, 491 Route 45, Mannington Township, New Jersey, after which the Ordinance will be considered for final passage

ATTEST:




Esther A. Mitchell, Township Clerk



Donald C. Asay, Mayor

CERTIFICATION

I hereby certify the above to be a true copy of an Ordinance introduced and passed by the Mannington Township Committee on second reading following a public hearing at a regular meeting held on 2-7, 2019.



Esther A. Mitchell, Township Clerk

DATE: February 8, 2019