

BOROUGH OF BERGENFIELD

Ordinance No. 21-2581

AN ORDINANCE AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "LAND DEVELOPMENT"

WHEREAS, Chapter 186 of the Code of the Borough of Bergenfield sets forth all regulations regarding Land Development within the Borough of Bergenfield; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 186 LAND DEVELOPMENT.

Ch. 186-41 entitled Prohibited Uses.

WHEREAS, the Borough of Bergenfield has determined that the sale and distribution of marijuana presents special concerns of safety, security and general nuisances that arise as the result of the use of drugs and substances that can affect the youth of the Borough and others; and

WHEREAS, given the current Comprehensive Master Plan of the Borough of Bergenfield and the Development Ordinances implementing the plan there is no area where the sale of and or distribution of medicinal and or recreational marijuana can be safely established given the overwhelming security and safety concerns; and

WHEREAS, in Colorado, where the use of marijuana was legalized in 2012 and the sale of recreational marijuana was legalized in 2014, a comprehensive analysis undertaken by the Denver Post and coroners reports have shown that the number of drivers involved in fatal crashes in Colorado who tested positive for marijuana has risen sharply each year since 2013, more than doubling in that time, federal and state data show; and

WHEREAS, the Denver Post analysis of the data and coroner reports also revealed that increasingly potent levels of marijuana were found in positive-testing drivers who died in crashes, including nearly a dozen in 2016, had levels five times the amount allowed by law, and one at 22 times the limit, whereas levels were not as elevated in earlier years; and

WHEREAS, the statutory provisions establishing a safety and security obligation were recently amended and supplemented by the legislature, P.L. 2017 c. 312, and the Borough now likewise amends its Land Development Code to comply with the revisions to the statute.

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

Chapter 186 entitled Land Development, Section 41 entitled Prohibited Uses shall be amended to add an additional prohibited use which shall read:

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 Bergenfield and, therefore, all activities related to the abovementioned retail uses such as, but not limited to cultivation, extraction, manufacturing, storing, laboratory testing, labeling, dispensing, transferring and distributing are expressly prohibited within the Borough of Bergenfield.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 20th day of April, 2021 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 4th day of May, 2021 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk