

TOWNSHIP OF WALL

ORDINANCE NO. 2-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 140-140 AND CHAPTER 105 OF THE TOWNSHIP CODE BANNING BUSINESSES SELLING MARIJUANA AND/OR PARAPHERNALIA FACILITATING THE USE OF MARIJUANA AND FARMING OR MANUFACTURING OF MARIJUANA IN THE TOWNSHIP

WHEREAS, the Township of Wall, through adoption of Wall Municipal Code Chapter 140 has established Land Use and Development Regulations; and,

WHEREAS, the Township of Wall, through adoption of Wall Municipal Code Chapter 10 has established permissible farming activities; and,

WHEREAS, the Township has determined that businesses selling marijuana and farms that grow marijuana require special concern for security, safety and location; and,

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

WHEREAS, there is no area of the Township which can safely house a business selling, manufacturing or growing marijuana and/or the paraphernalia that facilitates the use of such marijuana; and

NOW, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

Section 1. Chapter 140-140 Prohibited Uses, shall be amended and supplemented to include adding to the list of prohibited uses a new subsection “34” as follows:

Chapter 140-140 Prohibited Uses

A. Any use not specifically permitted in 140-139 is prohibited except as noted in 140-141. The following uses or activities are hereby prohibited anywhere within the Township:

(34) Manufacture, grow, cultivate, or conduct any farming activities related to marijuana and the sale of marijuana and/or the paraphernalia that facilitates the use of such marijuana.

Section 2. Chapter 105-3 Permitted activities, shall be amended and supplemented to include adding to the list of permissible farming activities a new subsection “J” which excludes marijuana manufacture and cultivation as a permissible use:

Chapter 105-3. Permitted activities

The right to farm is granted to commercial farms so that they may engage in the following activities, subject to the requirements specified in this chapter:

J. The manufacture, cultivation or farming of marijuana is prohibited.

Section 3. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

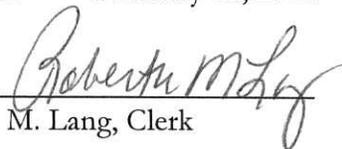
Section 4. This Ordinance may be renumbered for codification purposes.

Section 5. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 6. This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: January 24, 2018

Adopted: February 28, 2018

Attest: 
Roberta M. Lang, Clerk

Attest: 
Timothy Farrell, Mayor