

**Ordinance #2018- 1199**

**AN ORDINANCE OF THE BOROUGH OF MANVILLE  
IN THE COUNTY OF SOMERSET , PROHIBITING THE  
SALE OF MARIJUANA OR MARIJUANA PARAPHERNALIA  
IN ANY ZONING DISTRICT WITHIN THE BOROUGH OF MANVILLE**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, as follows:

**WHEREAS** , the Borough of Manville has determined that businesses selling medicinal and recreational marijuana require special concern for security, safety, and location; and

**WHEREAS** , the Borough desires to ensure that such facilities are not located within any commercial or residential zone, and is particularly concerned with such facilities being located within one mile of any school, church, pool, park land, or playground,

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

**NOW, THEREFORE, BE IT ORDAINED** , by the Mayor & Council of the Borough of Manville in the County of Somerset, that:

SECTION 1: The sale of medical or recreational marijuana or of the paraphernalia that facilitates the use of such marijuana is hereby deemed a Prohibited Use in any zoning district within the Borough of Manville.

SECTION 2: Upon Codification of the Borough Land Use Ordinances, which codification is presently underway, “the sale of medical or recreational marijuana or of the paraphernalia that facilitates the use of such marijuana” shall be set forth as a “Prohibited Use” in any zone within the Borough.

SECTION 3. Upon introduction of this Ordinance, a true copy of same shall be sent by

the Borough Clerk to the Borough Planning Board (Joint Land Use Board)in accord with N.J.S.A. 40:55D-26.


SECTION 4. Upon introduction of this Ordinance, and again upon final adoption of same, a true copy of this Ordinance shall be sent by the Borough Clerk to the Somerset County Planning Board in accord with N.J.S.A. 40:27-6.10.

SECTION 5. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by any Court of competent jurisdiction, or is found inconsistent with any pre-empting State or Federal law, then such holding shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 6. Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 7. Effective Date: This ordinance shall be effective after final approval and publication in accordance with law.

Borough of Manville,

A handwritten signature in black ink that reads "Richard M. Onderko". The signature is written in a cursive style with a large, looped initial 'R'.

Richard M. Onderko, Mayor

**ORDINANCE #201 8-1199**

**FIRST READING:**

**ROLL CALL**

| Introduced | Seconded | Council              | Yes | No | Abstain | Absent |
|------------|----------|----------------------|-----|----|---------|--------|
| X          |          | <b>SZABO</b>         | X   |    |         |        |
|            |          | <b>LUKAC</b>         | X   |    |         |        |
|            |          | <b>MAGNANI</b>       | X   |    |         |        |
|            | X        | <b>PETROCK</b>       | X   |    |         |        |
|            |          | <b>PETRONE</b>       | X   |    |         |        |
|            |          | <b>SKIRKANISH</b>    | X   |    |         |        |
|            |          |                      |     |    |         |        |
|            |          | <b>MAYOR ONDERKO</b> |     |    |         |        |

**INTRODUCED** this 26th day of February \_\_\_\_\_, 2018



Attest: Pamela Borek, Borough Clerk

**SECOND READING:**

**ROLL CALL**

| Introduced | Seconded | Council              | Yes | No | Abstain | Absent |
|------------|----------|----------------------|-----|----|---------|--------|
| X          |          | <b>SZABO</b>         | X   |    |         |        |
|            | X        | <b>LUKAC</b>         | X   |    |         |        |
|            |          | <b>MAGNANI</b>       | X   |    |         |        |
|            |          | <b>PETROCK</b>       | X   |    |         |        |
|            |          | <b>PETRONE</b>       | X   |    |         |        |
|            |          | <b>SKIRKANISH</b>    | X   |    |         |        |
|            |          |                      |     |    |         |        |
|            |          | <b>MAYOR ONDERKO</b> |     |    |         |        |

**[ADOPTED]** [DEFEATED] this 14th day of May, 2018



Attest: Pamela Borek, Borough Clerk