

ORDINANCE 2018-07

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
AMENDING CHAPTER XXX, ARTICLE 7, TITLED “ZONING REGULATIONS”,
SECTION 30-96.9, TITLED “PROHIBITED USES”, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF CHATHAM PROHIBITING MARIJUANA
CULTIVATION, PRODUCTION, MANUFACTURE, AND SALE.**

WHEREAS, the Township of Chatham has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township Committee of the Township of Chatham believes that it is in the best interest of the health, safety and welfare of its residents that Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, be amended to prohibit the operation of marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores in all zone districts.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, is hereby amended to add a new subsection b as follows:

30-96.9 Prohibited Uses

- a. Where a use is not specifically permitted in a zone district, it is prohibited.
- b. Marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores are prohibited in all zone districts.

Section 2. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 4. 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.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: February 22, 2018

Adopted: April 12, 2018

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk