

**ORDINANCE NO. 24-2019**

**BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXX  
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH  
OF ROSELAND ENTITLED "LAND DEVELOPMENT"**

**WHEREAS**, N.J.S.A. 40:55D-1 et seq. authorizes local governmental units to adopt ordinances that regulate land use to promote the public health, safety morals, and general welfare; and

**WHEREAS**, the Borough of Roseland regulates land use and zoning by and through Chapter XXX of the Borough Code; and

**WHEREAS**, the Borough of Roseland finds that it is in the best interest of the residents to amend Chapter XXX of the Borough Code to prohibit retail or wholesale establishments, businesses, persons or entities from selling or offering to sell marijuana or marijuana products, for medicinal or recreational use, or paraphernalia that facilitates the use of marijuana and to further prohibit the growing, cultivation or harvesting of any type of marijuana plant within the Borough; and

**WHEREAS**, the Mayor and Council of the Borough of Roseland wish to add a section entitled Chapter 30-404.8 "Prohibited Use Marijuana -All Zones" within the Revised General Ordinances of the Borough of Roseland;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Roseland that Chapter XXX of the Revised General Ordinances of the Borough of Roseland entitled "Land Development" shall be amended as follows:

**30-404.8 PROHIBITED USE MARIJUANA- ALL ZONES**

Retail or wholesale establishments, businesses, persons or entities (i) selling or offering for sale (a) marijuana or marijuana products, whether for medicinal and/or recreational use or (b) paraphernalia that facilitates any use of marijuana, including, but not limited to inhalation, ingestion or injection of any substance which contains or is derived from marijuana and/or (ii) growing, cultivating or harvesting any type of marijuana plant, including, but not limited to cannabis sativa, cannabis indica, and cannabis ruderalis are prohibited in all zones within the Borough of Roseland.

**SECTION II**

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

### SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

### SECTION IV

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: August 20, 2019

Motion to Introduce by: Councilman Bardi

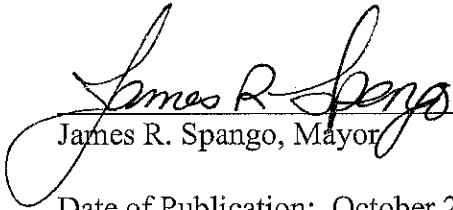
Motion Seconded by: Councilwoman Perrotti

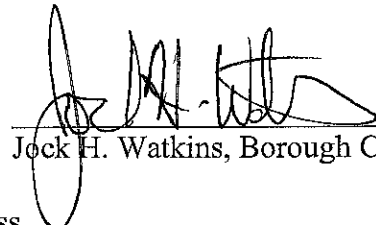
Introduction Approved: 5-0 Voice Vote (Fishman absent)

DATE OF ADOPTION: October 15, 2019

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi	X		X				
Councilwoman Fishman		X	X				
Councilman Freda			X				
Councilman Jacobs			X				
Councilwoman Perrotti			X				
Councilwoman Tolli			X				
Mayor Spango (In case of tie)							
VOTE:			6	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 15<sup>th</sup> day of October, 2019.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: October 24, 2019, The Progress