

**ORDINANCE NO. 05-2023      AN ORDINANCE AMENDING CHAPTER 156 OF THE BOROUGH CODE, TITLED “PUBLIC PROPERTY, USE OF” BY REPEALING AND REPLACING §156-21 TITLED “MARIJUANA” WITH A NEW §156-21 TO BE TITLED “ MARIJUANA AND ADDING A NEW §156- 25 TO BE TITLED “CANNABIS””**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the Borough of Kinnelon (“Borough”) desires to revise to its Municipal Code, specifically Part II General Legislation therein, by amending Chapter 156 titled “Public Property, Use Of” by repealing and replacing §156-21 titled “Marijuana” with a new §156-21 to be titled “Marijuana”.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

**SECTION 1.** Existing Section 156-21 of the Code of the Borough of Kinnelon is hereby repealed and replaced with the following, to be titled “**§156-21 Marijuana**”:

**§156-21 Marijuana**

It shall be unlawful for anyone to possess, smoke, vape, chew or otherwise ingest marijuana or

any derivative products, or to sell, purchase or convey any of the aforesaid, in the Borough parks and recreation areas, shopping centers, parking lots and all other public spaces, or in any other place where smoking is prohibited.

SECTION 2. A new Section 156-25 titled "Cannabis", is hereby added to read as follows:

**§156-25** It shall be unlawful for anyone to smoke, vape, chew or otherwise ingest cannabis or any derivative products, or to sell, purchase or convey any of the aforesaid, in the Borough parks and recreation areas, shopping centers, parking lots and all other public spaces, or in any other place where smoking is prohibited.

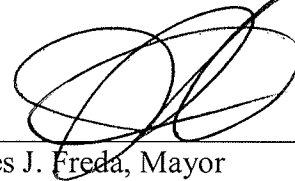
**SECTION 3.** All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

  
Karen M. Iuele, RMC, Borough Clerk

  
James J. Fredda, Mayor

**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on \_\_\_\_\_ and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk

**LEGAL NOTICE**

**BOROUGH OF KINNELON, MORRIS COUNTY**

**ORDINANCE NO. \_\_\_\_\_**

Notice is hereby given that an Ordinance entitled “An Ordinance Amending Chapter 156 of the Borough Code, Titled “An Ordinance Amending Chapter 156 of the Borough Code titled “Public Property, Use Of” by repealing and replacing §156-21 titled “MARIJUANA” with a new §156-21 TO BE TITLED “CANNABIS AND MARIJUANA” was submitted in writing at a regular meeting of the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey, held on \_\_\_\_\_, 2023 and was introduced, read by title and passed on first reading. A Statement of Purpose of the Ordinance is contained below. The governing body of the Borough of Kinnelon will further consider the ordinance for second reading and final passage thereof at their regular meeting to be held on \_\_\_\_\_, 2023 at 7:00 p.m. prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the governing body and all parties in interest and citizens shall have an opportunity to be heard concerning said ordinance.

**STATEMENT OF PURPOSE OF ORDINANCE**

The purpose of the above Ordinance is to adopt a disturbing the peace ordinance to prohibit the smoking of marijuana and cannabis in public areas in the Borough of Kinnelon.

A copy of the full Ordinance is available to any member of the general public without cost, at the Borough of Kinnelon Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey, at the Office of the Borough Clerk, between the hours of 9:00 a.m. and 3:00 p.m.

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Karen M. Iuele, RMC, Borough Clerk  
Borough of Kinnelon  
County of Morris, State of New Jersey