
Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM**

RESOLUTION NO. 2021-7-81

**A RESOLUTION SUPPORTING THE BAN OR LIMITED USE OF SINGLE-USE PLASTIC AND PAPER
CARRYOUT BAGS**

WHEREAS, Governor Phil Murphy and the New Jersey State Legislature enacted the most progressive disposable bag law in the country, with a bill signed November 4, 2020, phasing out single use plastic and paper bags and encouraging the use of reusable bags throughout New Jersey; and

WHEREAS, New Jersey is working to reduce reliance on single-use products to ensure that future generations have a clean and healthy environment to live, work and recreate in; and

WHEREAS, banning or limiting the use of single-use plastic and paper carryout bags is a significant step in this effort; and

WHEREAS, the New Jersey Clean Communities Council, the New Jersey Department of Environmental Protection, the New Jersey Department of State, policymakers, environmental and business groups, as well as other stakeholders, are working together to educate consumers, businesses, and communities about the new law and encouraging residents to “Bag Up” before the ban goes into effect; and

WHEREAS, the comprehensive “Bag Up NJ” campaign will include educational programs, public and media engagement and reusable bag distribution programs throughout the state, with an emphasis on underserved communities; and

WHEREAS, this statewide public education campaign will provide residents, businesses and visitors with information about the types of reusable and sustainable bags and containers that they may use and where to access these products; and

WHEREAS, this statewide public education campaign will provide residents, businesses and visitors with information about the types of reusable and sustainable bags and containers that they may use and where to access these products;

NOW THEREFORE, BE IT RESOLVED by the Penns Grove Borough Council that it is critical to begin educating the public about this new law, which will have a significant environmental benefit when the ban takes effect on May 4, 2022;

BE IT FURTHER RESOLVED that on way to gain important recognition is to deem the month of May each year as “Bay Up NJ” month in the Borough of Penns Grove, a further reminder that county residents should bring their own reusable bags to the store.

Attest:

Sharon R. Williams, Municipal Clerk

LaDaena D. Thomas, Mayor

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter						
Giordano						
Martin						
Mincey						
Rambo						
Scarpaci						

I certify, by signing and affixing the Government Seal, that the foregoing is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Penns Grove, in the County of Salem, at a regular meeting thereof held on the 6th day of July, 2021.

Sharon R. Williams, Municipal Clerk

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM**

RESOLUTION NO. 2021-7-83

EMERGENCY TEMPORARY RESOLUTION N.J.S.A. 40A:4-20

WHEREAS, an emergency condition has arisen with respect to the need to provide budgetary funds for 2021 and

WHEREAS, the cause of the emergency is due to the fact that the Borough is unable to adopt the 2021 Annual Budget without proper revenue figures and state approval, and

WHEREAS, it is considered necessary for the health and welfare of the community to continue to provide necessary services,

WHEREAS, the total emergency temporary resolution adopted in the year 2021 pursuant to the provisions of Chapter 96 P.L.1951 (N.J.S. 40A:4-20) including this resolution totals \$ **3,371,492.80** for the Current Fund.

1. Emergency temporary appropriations are made and the same are hereby made for:

GENERAL GOVERNMENT

Mayor & Council

Salaries & Wages	7400.00
Other Expenses	1000.00

General Administration

Salaries & Wages	20000.00
Other Expenses	0.00

Municipal Clerk

Salaries & Wages	24000.00
Other Expenses	800.00

Financial Administration

Salaries & Wages	30000.00
Other Expenses	100.00

Audit Services

1000.00

Tax Assessment Administration

Salaries & Wages	4100.00
Other Expenses	30.00
Revenue Administration	
Other Expenses	1000.00
Liquidation TTL/Foreclosure	
Other Expenses	10000.00
Legal Services & Costs	
Other Expenses	10000.00
Legal Settlement	
Economic Development Agencies	
Other Expenses	2000.00
Engineering Services & Cost	
Other Expenses	2000.00
Municipal Land Use	
Law(N.J.S.40:55D-1)	
Planning Board	
Salaries & Wages	1440.00
Other Expenses	5000.00
Insurance	
Other Insurance Plans	6000.00
Group Insurance Plans	150000.00
Health Insurance Waiver	0.00
Unemployment Compensation	
Insurance	1000.00
Accumulated Leave Compensation	
Fire Hydrant Services	
Other Expenses	9000.00
Fire Department	
Other Expenses	8000.00
Police Department	
Salaries & Wages	342000.00
Other Expenses	10000.00
Aid to Ambulance	
Other Expenses	6000.00
Emergency Management Services	
Salary & Wages	2000.00
Other Expenses	100.00
Municipal Prosecutor	
Salaries & Wages	3300.00
MUNICIPAL COURT	
Salaries & Wages	29000.00

Other Expenses	3000.00
PUBLIC DEFENDER	
Other Expenses	2400.00
PUBLIC WORKS FUNCTIONS	
Public Buildings & Grounds	
Salaries & Wages	0.00
Other Expenses	5000.00
Shade Tree	
Other Expenses	300.00
Demolition	
Other Expenses	0.00
Vehicle Maintenance	12000.00
HEALTH & HUMAN SERVICES	
Board of Health	
Other Expenses	3000.00
Safety Coordinator	
Salaries & Wages	1000.00
Other Expenses	300.00
Animal Control	
Other Expenses	10000.00
Senior Citizen Transportation	
Other Expenses	0.00
RECREATION AND EDUCATION	
Board of Recreation Commissioners	
Other Expenses	0.00
UTILITY EXPENSES AND BULK PURCHASES	
Electricity and Natural Gas	44000.00
Telecommunications	10000.00
Water	500.00
Petroleum Products	10000.00
Sewage Processing & Disposal	0.00
LANDFILL/SOLID WASTE DISPOSAL COSTS	
Other Expenses-Penns Grove Garden Apartments	0.00
UNIFORM CONSTRUCTION CODE (N.J.S.A. 52:25d-120 et. Seq.)	
OTHER CODE ENFORCEMENT FUNCTIONS	
Salaries & Wages	12000.00
Other Expenses	500.00
STATUTORY EXPENDITURES	
Social Security System	10000.00
Public Employees Retirement System	0.00

Police and Fire Retirement System of N.J.	0.00
Defined Contribution Retirement System	0.00
Tax Appeal Judgement	0.00
Business Personal Property Tax (Bd. Of Ed.)	
Losap	0.00
INTERLOCAL MUNICIPAL SERVICE AGREE.	
Revenue Administration(Tax Collection)	
Other Expenses	5000.00
Public Work Functions: Other Costs	
Other Expenses	165000.00
County of Salem Dispatching Services	
Other Expenses	18750.00
GRANTS	
Transportation Assistant Act.	0.00
Clean Communities	9777.25
Body Armor Replacement Program	0.00
Recycling Tonnage Grant	0.00
Alcohol Education and Rehabilitation	0.00
Borough Matching Share	0.00
Small Cities Delaware Ave and Mill St.	
Green Trust Loan Program	
Loan Repay. For Princ. & Int.	0.00
CAPITAL	
Capital Improvement Fund	25000.00
DEBT SERVICE	
Principal	0.00
Interest	0.00
SPECIAL EMERGENCY AUTHORIZATIONS	
Revaluation	<u>0.00</u>
TOTAL	1,033,797.25

NOW THEREFORE BE IT RESOLVED, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20,

2. That said Emergency Temporary Appropriation will be provided for in full in the 2021 budget under the titles as listed above.
3. That three certified copies of this resolution be filed with the Director of Local Government Services.

ATTEST:

Sharon Williams, Municipal Clerk

LaDaena D. Thomas, Mayor

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter						
Giordano						
Martin						
Mincey						
Rambo						
Scarpaci						

CLERK'S CERTIFICATION

I, Sharon Williams, Clerk of the Borough of Penns Grove, County of Salem, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Borough Council of the Borough of Penns Grove at a meeting of said Council held on July 6, 2021 and said resolution was adopted by not less than a two-thirds vote of the members of the Borough Council.

Sharon R. Williams, Municipal Clerk

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM
ORDINANCE NO. 2021-19**

**SALARY ORDINANCE 2021 FOR
NON-CONTRACTUAL EMPLOYEES**

BE IT ORDAINED, by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey that the Salary Ordinance provisions of Borough Ordinances heretofore pursuant to Chapter 55 of the Code of the Borough of Penns Grove is hereby amended as follows and that the salaries of the following employees will be payable semi-monthly, monthly or quarterly:

SECTION 1:

OFFICER OR EMPLOYEE

COMPENSATION

ADMINISTRATION

Borough Administrator	65,000-90,000 per year
Certified Municipal Clerk	40,000 -70,000 per year
Deputy Clerk (Full-Time)	14.00 – 25.00 per hour
Deputy Clerk (Part-time)	14.00 – 25.00 per hour
Mayor	4,000 – 8,000 per year
Councilpersons	3,500 – 5,500 per year

FINANCIAL

Certified Chief Financial Officer/Treasurer	65,000 – 80,000 per year
Deputy Treasurer	14.00 – 25.00 per hour
Assistant, Treasurer’s Office	14.00 – 25.00 per hour
Computer/Communications Coordinator	5,000 – 6,000 per year

TAX ASSESSOR

Municipal Assessor	15,000 – 18,000 per year
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MUNICIPAL COURT

Magistrate	18,000 – 20,000 per year
Court Administrator	40,000 – 48,000 per year

Call In: Court Administrator	25.38 per call
Deputy Court Administrator	14.00 – 25.00 per hour
Assistant Deputy Court Administrator	14.00 – 25.00 per hour
Call In: Deputy Court Administrator	14.00 – 25.00 per hour
Sound Recorder	10.77 per hour
Prosecutor	12,000 – 14,000 per year

*Court Employees will be compensated through the Municipal Court Alcohol Education Fund for special DUI court sessions as the following rates:

Magistrate	783.95 per session
Prosecutor	503.86 per session
Public Defender	358.71 per session

BUILDINGS AND GROUNDS

Janitor	14.00 – 25.00 per hour
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PLANNING/ZONING BOARD OF ADJUSTMENTS

Planning Board Secretary	5,545.59 per year
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CONSTRUCTION CODE/HOUSING

Landlord Clerk/Housing Clerk	14.00 – 25.00 per hour
Code Enforcement Officer	14.00 – 25.00 per hour

POLICE DEPARTMENT

Special Law Enforcement Officer Class I	12.00 - 18.00 per hour
Special Law Enforcement Officer Class II	15.00 - 22.00 per hour
Patrolman	30,000 – 100,000 per year
Corporal	35,000 – 100,000 per year
Sergeant	40,000 – 110,000 per year
Lieutenant	45,000 – 120,000 per year
Police Clerk	20,000 – 40,000 per year
Administrative Supervisor	25,000 – 55,000 per year
Crossing Guard	14.00 - 25.00 per hour

SAFETY COORDINATOR

Safety Coordinator	3,045.00 per year
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SECTION 2:

Borough Employees may be reimbursed at the current Federal Rate when it is necessary for the employee to use his/her vehicle in the performance of Borough business and/or seminars.

SECTION 3:

The term “part-time” shall refer to any employee who is employed on condition that said employee will work less than (35) hours per week. The term full time shall refer to any employee who works (35) or more hours per week.

SECTION 4:

The rate of hourly employees shall be for the first eight (8) hours of work for each day and for all work in excess of (8) hours per day shall receive time and a half provided, however, that said employee have worked for (40) hours in said week. Extra time compensated for full time salary shall be compensated on any time worked between (35) to forty (40) hours.

SECTION 5:

Terms and conditions of employment for all positions recognized under a Collectively Bargained Agreement shall be in accordance with said agreement.

SECTION 6:

If any section, sentence, phrase or portion of this ordinance is for any reason invalid, such portion shall be considered separate and shall not affect the validity of the remaining ordinance.

LaDaena D. Thomas, Mayor

ATTEST:

Municipal Clerk

Date Adopted

Intro:

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FIRST READING													
COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						
CARTER													
MINCEY, PRESIDENT													
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Final:

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This is a Certified True copy of the Original Ordinance on file in the Borough Clerk's Office.

DATE OF ADOPTION: _____
/s/ Sharon Williams, Borough Clerk

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL**

ORDINANCE NO. 2021-20

**AN ORDINANCE ESTABLISHING THE
“ADOPT A LOT” PROGRAM**

WHEREAS, The Borough of Penns Grove currently owns and maintains numerous vacant properties that need care and maintenance, and our municipal government and residents alike share a vested interest in the upkeep and beautification of those lots; and

WHEREAS, Residents and community groups have expressed interest in participating in a program that empowers those interested parties to care for, improve, and make productive use of those properties to better their neighborhoods; and

WHEREAS, Allowing residents to legally care for such lots will benefit the public and the Borough by improving the condition of the lots and the neighborhoods in which they are located by beautifying the properties, reducing blight, increasing neighborhood cohesiveness, and promoting the sustainability goals of the City.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION 1. Establishment of Program

In order to improve the aesthetic appearance of parks, vacant lots and streets located in the Borough of Penns Grove and in order to provide assistance in maintaining the parks, lots and streets, the Borough of Penns Grove hereby establishes an "Adopt a Lot Program," in which volunteer groups, individuals, businesses or organizations may adopt a vacant lot owned by the Borough of Penns Grove for the purpose of cleaning up leaves, litter, trash and maintaining the general beautification of the vacant lot.

SECTION 2. Qualifications.

Any person, company, organization or group may petition the Borough council to participate in the adopt a lot program. Any individual or group which is comprised of individuals under the age of eighteen (18) must be under the supervision of a person over the age of twenty-one (21).

SECTION 3. Application.

A. Any volunteer group, individual, company or organization shall complete an application on a form prescribed by the director of the department of public works providing the following information:

- (a) The name and the location of the lot it desires to adopt;
 - (b) The names and addresses of all participants;
 - (c) A plan and schedule of the work to be performed.
- B. Applicants who are property owners must have paid all real estate taxes on properties currently owned and have no current violations.
- C. Applicants may adopt property immediately adjacent to property which they currently own or rent.
- D. Prior to the commencement of any maintenance or beautification activities at the lot the applicant must participate in an initial safety orientation meeting with an authorized representative of the Borough of Penns Grove Department of Public Works.
- E. The Mayor shall designate a program coordinator. The application shall be filed with the Borough of Penns Grove for review and comment as to the feasibility and compatibility of the applicant participating in the program prior to a formal request being made to the Borough council of the Borough of Penns Grove.
- F. The Borough shall not supply any tools, equipment or supplies for this program. Any and all tools, equipment or supplies shall be furnished by the volunteers.

SECTION 4. Authorization from Borough Council.

Borough council, after receipt and review of a recommendation and report from the director of the department of public works, may authorize adoption of the lot. The Borough of Penns Grove, at its own expense will provide, install and maintain a permanent sign designating the program with the applicant's name set forth thereon. The applicant shall not use or display any business logo or commercial advertising at the site.

SECTION 5. Approval and renewal.

Borough council approval shall be for a period of not less than six months, nor more than twenty-four (24) months. After the initial period of approval, the participant may petition the director of the department of public works to review its actions and then report its findings to the Borough council for renewal. After the Borough council has received a recommendation and report from the director of public works, the governing body may adopt a resolution renewing its approval for a period of not less than six months, nor more than twenty-four (24) months.

SECTION 6. Hold Harmless.

No volunteer group, individual, company or organization who performs any work or services under this program shall be deemed, to be employees of the Borough of Penns Grove and the Borough shall be held harmless by the volunteer group, individual, company, organization or anyone directly or indirectly connected with the volunteer group, individual, company or organization from the negligent or careless acts of the volunteer group, individual, company or organization in the performance of any functions under the program. All participants in the

program shall be required to sign a release and shall waive any and all claims for negligence on the part of the Borough of Penns Grove, its officials and employees, which arise out of their participation in the program.

SECTION 7. No Legal Right Conferred.

Participation in the program is voluntary and no legal right to title, ownership or usage shall vest with the participants by virtue of their participation.

SECTION 8. Termination.

The Borough council, upon request of the director of the department of public works, shall have the right, in its sole discretion, at its convenience and at any time, to terminate any program designation by providing written notice to the applicant.

SECTION 9. Rules and regulations.

The director of the department of public works may adopt such other reasonable rules and regulations as may be necessary to effectuate the intent of this program.

LaDaena D. Thomas, Mayor

ATTEST:

Municipal Clerk

Date Adopted

Intro:

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DATE OF ADOPTION: _____
/s/ Sharon Williams, Borough Clerk

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL**

ORDINANCE NO. 2021-21

**AN ORDINANCE GOVERNING SPECIAL EVENTS
IN THE BOROUGH OF PENNS GROVE**

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION 1. Permit for special events required.

Any person, organization or entity requesting permission to utilize any Borough-owned facility, to include, parks, buildings, equipment, block parties, parades, etc., will be required to obtain a permit for such use prior to the event. The applicant will be required to file for the permit with the Borough Clerk, and final approval will be issued by the Borough Administrator.

A. Any person, organization, or entity seeking the issuance of a permit shall file an application on the form prescribed and approved by the Borough Administrator.

B. Any person, organization, or entity seeking the issuance of a permit shall file all applications/fees at least forty five (45) days prior to the event. Exceptions will only be granted for emergent or extraordinary circumstances.

C. Any person, organization, or entity seeking the issuance of a permit shall provide insurance for the event, and the Borough of Penns Grove is to be named as an additional insured. Insurance coverage will be in the amount of \$1,000,000 combined single limit of liability for general aggregate, products, bodily injury, property damage and medical expense.

D. Any person, organization, entity seeking the issuance of a permit shall submit a hold harmless agreement agreeing to indemnify and hold harmless the Borough of Penns Grove from and against any loss, damage or liability, including agents, volunteers or other representatives arising out of, or in any manner relating to, the use of Penns Grove Borough property.

E. Any person, organization, or entity requesting to sell items/food at the event for which the permit is requested for shall apply, no later than seven (7) days prior to the event, to the Borough Clerk for the appropriate permits.

SECTION 2. Fees.

A. There will be a nonrefundable application fee of \$125, to be paid at the time of submission. Hardship applications can be submitted and will be considered. Nothing in this section shall be interpreted to require any payment, fee, or advance notification for any

unreserved use of any ball fields, courts, or parks for recreational activities engaged in spontaneously and without a need for reservation pursuant to this chapter, i.e., "pickup" games by Borough residents.

B. Borough facility rental fee.

Facility	Rental Fee
1 ball field or 1 court (One-time use)	
Resident	\$50
Nonresident	\$100
1 Unlighted ball field or 1 court (full season)	
Resident	\$150
Nonresident	\$300
1 Lighted ball field or 1 lighted court (full season)	
Resident	\$250
Nonresident	\$500

C. Parks and playgrounds.

Park	Fee
Barber Avenue Park	

D. Proof of residency will be required.

E. Personnel service fees.

(1) The aforementioned fees are for the use of the Borough facilities only. They do not include personnel services. No indoor facility is permitted to be used without an employee present. Personnel fees will be based on the following 2020 rates:

SECTION 3. Revocation of permit.

A. The Borough administration reserves the right, for just cause, to withdraw permission within five days of the event.

B. In the case of a violation of Borough ordinances regarding conduct or violations of the New Jersey Code of Criminal Justice, the permit may be revoked and event shut down by the Police Department.

ATTEST:

Municipal Clerk

Date Adopted

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DATE OF ADOPTION: _____

/s/ Sharon Williams, Borough Clerk

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL**

ORDINANCE NO. 2021-22

**ORDINANCE OF THE BOROUGH OF PENNS GROVE, AUTHORIZING VACATION
OF CERTAIN PORTIONS OF ALLEYS**

WHEREAS, the Borough of Penns Grove (the “**Borough**”) may enact ordinances pertaining to public streets, thoroughfares and sidewalks located within the Borough; and

WHEREAS, the Borough is authorized pursuant to N.J.S.A. 40:67-1 et seq. to establish, change the grade of, or vacate any public street, highway, lane or alley, or any part thereof at the discretion of the Borough, following notice and hearing as set forth in N.J.S.A. 40:49-6; AND

WHEREAS, the Borough Council recognizes that the alleys are properly described and therefore the portions of the alleys to be vacated are described in two ways, with the Council’s intent being that the broadest description of the area is intended to control:

1. The shaded areas shown on the official tax map of the Borough of Penns Grove (see Exhibit A); and
2. The portions of the alleys delineated in the following documents provided by Jeffrey Gellenthin, P.L.S., N.J. License No. GS-36750, and dated March 16, 2021:

Description of a portion of the Northeasterly half of a 10 feet wide alley adjoining Lots 23 and 25 in Block 84, Penns Grove Borough, Salem County, New Jersey

Description of a portion of a 9.5 feet wide alley adjoining Lots 23, 25, 26, and 27 in Block 84, Penns Grove Borough, Salem County, New Jersey

Collectively these descriptions of the portion of alleys to be vacated shall be the **Vacated Alleys**; and

WHEREA, there is no municipal or public need for the Vacated Streets, and they are not necessary for general public use, and the rights of the public will not be injuriously or adversely affected by the requested vacation, and such vacation advances the public safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Penns Grove, County of Salem, State of New Jersey that:

Section I: Pursuant to N.J.S.A. 40:67 et seq. N.J.S.A. 40A:12-8, and N.J.S.A. 40A:12-39, the Vacated Alleys shall be and the same are hereby vacated and any public easement and rights therein be and the same are hereby extinguished.

Section II: Pursuant to N.J.S.A.40:67-21, the Redeveloper shall file this Ordinance and the maps with the Register of the County of Salem within sixty (60) days after this Ordinance becomes effective. Upon the filing of this Ordinance, the maps and the description with the Register of Salem County, title to the vacated premises shall vest in Redeveloper.

Section III: All ordinances inconsistent herewith are hereby repealed.

Section IV: This Ordinance shall take effect at the time manner provided by law.

LaDaena D. Thomas, Mayor

ATTEST:

Municipal Clerk

Date Adopted

Intro:

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DATE OF ADOPTION:

_____ /s/ Sharon Williams, Borough Clerk

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, NEW JERSEY**

ORDINANCE NO. 2021-23

**AN ORDINANCE BY THE BOROUGH OF PENNS GROVE, SALEM COUNTY, NEW JERSEY
PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS'
GEOGRAPHICAL BOUNDARIES AND AMENDING THE PENNS GROVE MUNICIPAL CODE**

WHEREAS, in 2020 New Jersey votes approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, ON February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery service anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial retail zones; and

WHEREAS, the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Borough Council of the Borough of Penns Grove has determined that, due to present uncertainties regarding the potential future impacts that allow one or more classes of cannabis business might have one New Jersey municipalities in general, and in the Borough of Penns Grove in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Penns Grove’s residents and member of the public who visit, travel, or conduct business in the Borough of Penns Grove, to amend the Borough of Penns Grove’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Penns Grove and

WHEREAS, due to the complexity and novelty of the Act; the many arears of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its’ impacts;

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Penns Grove, in the County of Salem, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments,
2. cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Penns Grove, except for the delivery of cannabis items and related supplies by a delivery service.
3. The Penns Grove Municipal Code is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 1, but not the delivery of cannabis items and related supplies by a delivery service."
4. Any article, section, paragraph, subsection, clause, or provision of the Penns Grove Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
5. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
6. This Ordinance shall take effect upon its' passage and publication and filing with the Penns Grove Planning Board.

LADAENA THOMAS, MAYOR

ATTEST:

CLERK

DATED ADOPTED

Intro:

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FIRST READING													
COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						
CARTER													
MINCEY, PRESIDENT													
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Final:

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						
CARTER													
MINCEY, PRESIDENT													
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

This is a Certified True copy of the Original Ordinance on file in the Borough Clerk's Office.

DATE OF ADOPTION:

_____ /s/ Sharon Williams, Borough Clerk