

Resolution 2021-71

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR CELEBRATION OF PUBLIC EVENTS DONATIONS TRUST FUND PER N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Board of Commissioners of the Village of Ridgefield Park provide for receipt of Celebration of Public Events Donations by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Celebration of Public Events Donations Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Village of Ridgefield Park, County of Bergen, New Jersey as follows:

1. The Board of Commissioners do hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Celebration of Public Events Donations Trust Fund and statutory authority.
2. The Clerk of the Village of Ridgefield Park, County of Bergen name is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution 2021-72

WHEREAS, the Fire Marshal, Peter Danzo has requested payment be made to Palisades Sales Corporation; and

WHEREAS, this expenditure is a permitted use of funds in the Fire Prevention Dedicated Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby authorizes the following expenditures:

Palisades Sales Corporation	\$3,222.00
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RESOLUTION 2021-73

WHEREAS, the Village of Ridgefield Park recognizes the value of the Arts and Creative Place-Making in improving the quality of life and the economic activity of the Village; and

WHEREAS, the Village wishes to gather public input into the Public Arts and Creative Place-making programs within our community; and

WHEREAS, the Village has determined a need for a group to advance the inclusion of Art and Creative Place-Making in our community; and

WHEREAS, the Village acknowledges that there is a group in Ridgefield Park known as The Public Art Champions (hereinafter also referred to as the PAC) that has done much in advancing Art and Creative Place-Making in Ridgefield Park; and

WHEREAS, the Village wishes to have a Creative Team for the aforesaid purposes.

NOW, THEREFORE BE IT RESOLVED that the group known as the Public Art Champions shall serve as the Village's Creative Team.

BE IT FURTHER RESOLVED that the PAC, in its capacity as the Village's Creative Team, shall provide and perform the following tasks:

1. On an annual basis, PAC shall make a recommendation to the Village for a person or persons to be considered for the designation as the Village's Artist Laureate for the following calendar year.
2. The PAC shall maintain a creative inventory for the Village;
3. The PAC shall assist the Village in developing and maintaining a Creative Place-making Plan for the Village
4. The PAC shall provide, when requested, creative place-making advice to Village residents, groups and businesses
5. The PAC shall provide advice to the Village in public art selections and placement within the Village.

Resolution 2021-74

WHEREAS, Kellie Nagle, requested permission to hold a 4th of July block party on July 4, 2021 between the hours of 1:00 p.m. and 10:00 p.m.; and

WHEREAS, she has requested permission to close Gordon Street, from Main Street to Bergen Avenue, to traffic that day; and

WHEREAS, she must immediately notify the residents on the block of the event.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners authorizes the closing of Gordon Street, from Main Street to Bergen Avenue, from 1:00 p.m. to 10:00 p.m. on July 4, 2021.

Resolution 2021-75

WHEREAS, Natasha Hopper, 24 Highland Place, requested permission to hold a block party on August 14, 2021 between the hours of 1:00 p.m. and 8:00 p.m.; and

WHEREAS, she has requested permission to close Highland Place between Main Street and Bergen Avenue to traffic that day; and

WHEREAS, she must notify the residents on the block at least two weeks in advance of the event; and

WHEREAS, she has requested August 21, 2021 as the rain date.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners authorizes the closing of Highland Place between Main Street and Bergen Avenue from 1:00 p.m. to 8:00 p.m. on August 14, 2021.

VILLAGE OF RIDGEFIELD PARK

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE VILLAGE OF RIDGEFIELD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 96, "ZONING," OF THE VILLAGE CODE TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES

WHEREAS, in 2020 New Jersey voters 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 the 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 on 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 that are fulfilled by a licensed cannabis retailer in order to make deliveries of the 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 services 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 and retail zones; and

WHEREAS, at 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 Mayor and Board of Commissioners of the Village of Ridgefield Park have determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Village of Ridgefield Park in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Village of Ridgefield Park’s residents and members of the public who visit, travel, or conduct business in the Village, to amend the Village of Ridgefield Park’s zoning regulations to prohibit all manner of cannabis-related land use and development within the geographic boundaries of the Village at the present time; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that the many factors weigh against allowing cannabis establishments without further information and clarification from the State of New Jersey; and

WHEREAS, these organizations have urged that 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; and

WHEREAS, after careful consideration of the issues involved and the feedback received from residents, the Mayor and Board of Commissioners have determined that the following factors weigh against granting permission for the operation of any cannabis establishments in the Village at the present time would be imprudent due to numerous factors, including but not limited to the following:

- 1) The complexity and novelty of the Act;
- 2) The many areas 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;
- 3) 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;
- 4) The uncertain state of the regulatory scheme governing cannabis establishments that has not yet been proposed or adopted by the Cannabis Regulatory Commission;
- 5) Unresolved questions concerning the traffic impact of cannabis establishments, specifically including for retail and warehouse/distribution businesses, and including the potential for a large influx of out-of-state residents visiting retail establishments;
- 6) The fact that the Village would be unable to “opt out” for a period of 5 years if action is not taken by August 22, 2021, but yet the Village would be able to “opt in” to allowing cannabis establishments at any time if an initial decision not to permit cannabis establishments is made at this time

WHEREAS, prohibiting such cannabis establishments at the present time would not preclude the Village from amending this ordinance to permit one or more classes of cannabis establishments at a later time if it were to be determined to be in the best interests of the Village of Ridgefield Park to do so.

NOW THEREFORE, BE IT ORDAINED, by the the Mayor and Board of Commissioners of the Village of Ridgefield Park, as follows:

Section 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, including but not limited to cannabis cultivators, manufacturers, wholesalers, retailers, distributors and delivery services, are hereby prohibited from operating anywhere in the Village of Ridgefield Park, except for the delivery of cannabis items and related supplies by a delivery service.

Section 2. Chapter 96, “Zoning,” Section 4.3 shall be amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§96-4.3 General use restrictions.

Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited from any zone district in the Village. [In addition, the following uses are specifically prohibited in all zone districts in the Village:

- A. Marijuana establishments.
- B. Signs, billboards or other similar structures or devices that advertise or promote marijuana or marijuana establishments.]

Section 2. Chapter 96, “Zoning,” shall be amended and supplemented by adding a new Section 4.5, “Certain uses related to cannabis prohibited; definitions,” as follows:

§96-4.3 Certain uses related to cannabis prohibited; definitions.

- A. Wherever used in this Chapter, the following terms shall have the meaning indicated:

HEMP - A cannabis plant containing less than 0.3% THC, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. This definition shall include cannabinoids (CBDs) derived from hemp.

CANNABIS - All or parts of the plant genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds (except those containing only resin extracted from the plant). Notwithstanding the foregoing, this definition shall not be deemed to include hemp, as such term is defined herein.

CANNABIS ESTABLISHMENT - 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. 16, but not the delivery of cannabis items and related supplies by a delivery service. This definition shall also include businesses where the sale and/or distribution of cannabis paraphernalia takes place. This definition shall not include legally authorized medical care, pharmaceutical research or clinical trials performed or conducted by or under the direction and supervision of a licensed physician, medical research facility, hospital or pharmaceutical company.

CANNABIS PARAPHERNALIA - Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or

containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

B. In all zoning districts in the Village of Ridgefield Park, the following uses shall be prohibited:

1. Cannabis establishments. This prohibition shall not include premises regularly in the business of selling and/or dispensing medical marijuana under a license issued by the State of New Jersey, and having been prescribed by a licensed physician and dispensed in accordance with applicable law.
2. Signs, billboards or other similar structures or devices that advertise or promote cannabis or cannabis establishments.

Section 3. Upon adoption of this Ordinance on first reading, it shall be referred to the Village of Ridgefield Park Board in accordance with N.J.S.A. 40:55D-64.

Section 4. Any article, section, paragraph, subsection, clause, or other provision of the Village of Ridgefield Park Code inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

Section 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.

Section 6. This Ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.