

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-352-23**

**RESOLUTION BY: COUNCILWOMAN PELLEGRINE  
SECONDED BY: COUNCILWOMAN DENNIS**

**INTRODUCE ORDINANCE #23-32  
SECOND READING**

**WHEREAS**, a public notice has been given by the Borough Clerk that an ordinance entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ELMWOOD PARK, NEW JERSEY AMENDING THE BOROUGH CODE AND ALL GENERAL ORDINANCES OF THE BOROUGH; MORE SPECIFICALLY, CHAPTER 34, MORE SPECIFICALLY SECTION 43-31.14.e; OF THE CANNABIS ORDINANCE WITHIN THE BOROUGH OF ELMWOOD PARK.**

was introduced and passed at a meeting held on Thursday, August 17, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

**WHEREAS**, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ELMWOOD PARK, NEW JERSEY AMENDING THE BOROUGH CODE AND ALL GENERAL ORDINANCES OF THE BOROUGH; MORE SPECIFICALLY, CHAPTER 34, MORE SPECIFICALLY SECTION 43-31.14.e; OF THE CANNABIS ORDINANCE WITHIN THE BOROUGH OF ELMWOOD PARK.**

pass on final reading.

APPROVED: September 21, 2023

\_\_\_\_\_  
Robert Colletti, Mayor

ATTEST: \_\_\_\_\_

Shanee Morris, CMR  
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Dennis	X				Pellegrine	X			
Fasolo				X	Sheridan	X			
Golabek	X				Balistreri				X

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 21<sup>st</sup> day of September 2023. Signed and sealed before me.

\_\_\_\_\_  
Shanee Morris, CMR  
Acting Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 23-32**

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**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ELMWOOD PARK, NEW JERSEY AMENDING THE BOROUGH CODE AND ALL GENERAL ORDINANCES OF THE BOROUGH; MORE SPECIFICALLY, CHAPTER 34, MORE SPECIFICALLY SECTION 43-31.14.e; OF THE CANNABIS ORDINANCE WITHIN THE BOROUGH OF ELMWOOD PARK.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMWOOD PARK AS FOLLOWS (ADDITIONS NOTED IN UNDERLINE, DELETIONS NOTED IN ~~STRIKETHROUGH~~):**

**INTENT OF THIS ORDINANCE**

**WHEREAS** This Ordinance intends to amend a specific section of the Licensing and Business \*Regulation ordinance

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, and State of New Jersey as follows:

34-31.14.e Cannabis Retailers. [Added 8-19-2021 by Ord. No. 21-13]

Cannabis retailers shall be permitted in the C-G Zone subject to the following conditions:

~~No structure housing a cannabis retailer shall be closer than 500 feet from a parcel housing a pre-existing public or private school identified in the New Jersey Department of Education's School Directory within Elmwood Park. The distance of 500 feet shall be measured in a straight line from the edge of the parcel housing the pre-existing public or private school to the nearest point of the structure housing the cannabis retailer. Should any new school be constructed within this 500 foot distance after a cannabis retailer commences operation, the cannabis retailer shall be grandfathered in as a conditionally permitted use.~~

Buffer Zone. The primary entrance of a cannabis establishment may not be closer than 250 feet from the primary entrance of the nearest pre-existing public or private K-12 school; or child-care center licensed by the State of New Jersey. The buffer zone distance shall be measured in a straight line from the geometric center of the primary entrance of the cannabis establishment to the geometric center of the primary entrance of the nearest pre-existing public or private K-12 school or child-care center licensed by the State of New Jersey. unless there is an impassable barrier within those 250 feet: in these cases: the buffer zone distance shall be measured along the center of the shortest publicly accessible pedestrian travel path.

**SECTION 1.** If any part of this Ordinance is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 2.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**SECTION 3.** This Ordinance shall take effect upon final passage and publication.

**SECTION 4.** This Ordinance shall be a part of the Code of the Borough of Elmwood Park as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

**SECTION 5.** The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article, and/or Section number of the Code of the Borough of Elmwood Park in the event that the codification of this Ordinance reveals that there is a conflict between the numbers

and the existing Code, and in order to avoid confusion and possible accidental repeal of existing provisions not intended to be repealed.

ATTEST: \_\_\_\_\_

Shanee Morris, CMR  
Acting Borough Clerk

APPROVED: \_\_\_\_\_

Robert Colletti, Mayor

Introduced: August 17, 2023

Adopted: September 21, 2023